LEGISLATIVE COUNCIL

Wednesday, 16 October 2024

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:17 and read prayers.

The PRESIDENT: We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of this country throughout Australia, and their connection to the land and community. We pay our respects to them and their cultures, and to the elders both past and present.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.B. MARTIN (14:18): I bring up the 51st report of the committee 2022-24.

Report received.

The Hon. R.B. MARTIN: I bring up the 52nd report of the committee 2022-24.

Report received and read.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Minister for Aboriginal Affairs (Hon. K.J. Maher)—

Reports, 2023-24—
- Environment Protection Authority
- Gawler Ranges Parks Co-Management Board
- Green Industries South Australia
- Ikara-Flinders Ranges National Park Co-Management Board
- International Koala Centre of Excellence Trading as Koala Life
- Ngaut Ngaut Conservation Co-Management Board
- Parks and Wilderness Council

Question Time

ILLEGAL TOBACCO SALES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23): I seek leave to make a brief explanation prior to addressing a question to the Attorney-General regarding illegal tobacco sales.

Leave granted.

The Hon. N.J. CENTOFANTI: Media reports note that the high price of tobacco, exacerbated by rising taxes and a cost-of-living crisis are causing a growing number of South Australian consumers to source illegal tobacco through the black market. Organised crime gangs are said to be taking advantage of this growing market, and ordinary citizens and businesses are reportedly being caught in the crossfire of inter-gang violence. The South Australian and Victorian police Operation Eclipse is promising 'swift action' for crimes linked to the supply and sale of illegal tobacco. My questions to the Attorney are:

1. Is it accurate that more than 200 illegal tobacco stores are operating in South Australia and, if so, why have they been allowed to continue to operate?

2. How many prosecutions have commenced since the government announced its new enforcement measures on illegal tobacco?

3. Has the Attorney-General sought a briefing about Victoria's illegal tobacco trade and, if so, when did he first seek that briefing?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:24): I thank the honourable member for her question. In relation to her question, I am going to respectfully dispute how she has characterised it. This government and this state does not 'allow' illegal tobacco operators to trade. That is a complete and utter fundamental misrepresentation of any facts at all. I am very pleased—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —that my colleague, the Minister for Consumer and Business Affairs, has taken much action already in cracking down on illegal tobacco and illegal vape sales and trade. We have seen numerous raids and numerous possible prosecutions in relation to the sale of illegal tobacco here in South Australia. I think I heard just in recent hours that there had been, in very recent times, five arrests by SAPOL and perhaps up to 15 more persons of interest being questioned in relation to this.

In relation to whether I have sought briefings or been involved in this, yes, absolutely. I can't remember exactly when, but some months ago I have been involved in discussions within government. I have been privy to briefings about some of the issues that they are facing in Victoria and how we can try to stop some of the extremes that we have seen in Victoria and South Australia. That is exactly why there has been very significant funding for Consumer and Business Services to undertake the work that they are doing and why SAPOL are very well equipped when there are criminal activities, such as arson that occurs, to make arrests and to prosecute.

ILLEGAL TOBACCO SALES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:26): Supplementary: how many CBS raids on tobacconists have occurred in regional South Australia?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:26): I thank the honourable member for her question. I am happy to refer that to the minister who has responsibility for this matter.

ILLEGAL TOBACCO SALES

The Hon. C. BONAROS (14:26): Supplementary: can the Attorney confirm for the record that an additional $16.4 million was attributed to this area in the budget, which has gone towards extra law enforcement and authorised officers now working out of Consumer and Business Services, and therefore the increased number of raids that are occurring into illegal tobacco and vapes?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:27): I thank the honourable member for her question. I don't have the dollar figure but, as I said, it is very substantial and that sounds like it might be about right: a massive increase in investment in tackling illegal tobacco in South Australia, and that is exactly what a government should be doing.

THERAPEUTIC JURISPRUDENCE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:27): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding therapeutic jurisprudence.

Leave granted.

The Hon. N.J. CENTOFANTI: The Australasian Institute of Judicial Administration has released recommendations to endorse therapeutic jurisprudence in Australian courts. Therapeutic jurisprudence is concerned with establishing a positive experience for defendants, requiring presiding judges to consider social and psychological issues facing the offender. It encourages judges to be culturally competent, seeking to decrease the over-representation of Indigenous people in detention and improve rehabilitation prospects.

While the recommendations claim that it is not designed for use in serious criminal matters or to excuse offender behaviour or argue for judicial leniency, there is much concern emerging from lawyers and legal sociologists that the reform would undermine existing legal principles embedded by the judiciary. My questions to the Attorney-General are:

1. Does the Attorney-General endorse therapeutic jurisprudence?

2. Does the Attorney consider that any enforcement of therapeutic jurisprudence would undermine existing legal principles?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:28): I thank the honourable member for her question. It is kind of refreshing in a way to see that the opposition—we are only 2½ years into the term of government—have some sort of strategy in question time. It is not a very good or effective one, but at least it is a semblance of one: ask one minister questions one day then ask the next minister questions the other day.

It is very cute, and bless them for having a tiny little bit of a strategy, despite its shortcomings. In the aim to try to pretend they have a strategy, someone has just read something online about something that they have never heard of and decided, 'Right, it's question day for the Attorney-General. Let's ask him this one.' I congratulate them for trying on their little strategy. It is great that they are attempting it.

I am not aware of this concept. Because judicial organisations suggest it should be applied in South Australian courts, it is absolutely not necessarily going to become government policy. We expect courts to enforce the laws as we pass them in this parliament.

Members interjecting:

The PRESIDENT: Order! The two leaders, let's just get focused on the next question.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! Attorney!

The Hon. R.P. Wortley interjecting:

The PRESIDENT: The Hon. Mr Wortley, get back in your box!

ABORIGINAL REMAINS, RIVERLEA PARK

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:30): I seek leave to make a brief explanation prior to addressing a question to the Minister for Aboriginal Affairs regarding the Riverlea housing estate.

Leave granted.

The Hon. N.J. CENTOFANTI: On 11 October 2024, the ABC reported, and I quote:

> Developers of the Riverlea housing estate in Adelaide's north have been given the green light to continue building…authorisation for the project to continue under the Aboriginal Heritage Act…imposes 25 comprehensive conditions on the developer…to ensure Aboriginal heritage will be managed as respectfully as possible…

My questions to the Minister for Aboriginal Affairs are:

1. What groups were consulted in relation to the decision to allow works to continue on the Riverlea site?

2. Were any groups consulted in relation to the 25 conditions imposed as part of the authorisation?

3. Is the minister aware of any contrary opinions from stakeholders in regard to the continuing work?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:31): This was one of the most comprehensive consultation processes that has ever occurred under an application under section 23 of the Aboriginal Heritage Act 1988. It has taken many, many months—and unapologetically—to be as comprehensive

as possible. I think the deadline for consultation was extended either four or five times to make sure as many interested Aboriginal people as possible could make submissions.

From memory, I think there were around three dozen separate submissions made that involved more than a hundred Kaurna people making submissions. Many, many people were involved in public meetings that were held in relation to submissions. The State Aboriginal Heritage Committee, I think, over three separate dates considered this matter to provide advice to the government. On the basis of that advice, on the basis of submissions received by the department and on the basis of recommendations from the department, the 25 conditions—and there are a number of subparts to a number of the 25 conditions—have been made in relation to this development, and it can only continue if those conditions are met.

In relation to whether I am aware of anyone who has contrary views within an Aboriginal community, yes, I am. I think sometimes we expect sections of the Aboriginal people to have an homogenous view that is in complete agreement with each other. We rarely expect that of other groups in society. So are there some groups within the Kaurna community who have views that differ from other members of the Kaurna community? Yes, there are.

NORTHERN COMMUNITY LEGAL SERVICE

The Hon. T.T. NGO (14:33): My question is to the Attorney-General. Can the minister inform the council on the recent achievements of the Northern Community Legal Service?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:33): I am pleased to, and I congratulate the Hon. Tung Ngo for helping the opposition with their cute little strategy in asking me questions today. I thank him for his interest in this area. I am proud to report that the Northern Community Legal Service and its legal practitioners have been recognised in three different categories of awards so far in 2024.

The Northern Community Legal Service have helped thousands of disadvantaged and vulnerable South Australians in northern suburbs and the Mid North access justice. The service was established in 1990 and is currently located in Salisbury, with outreach services to Gawler and Davoren Park servicing many of our northern metropolitan communities.

I last reported to the council in 2022 that the service had been recognised as the best community service in the Salisbury business awards. I am thrilled to report that the service has taken out that award again this year in recognition of the important contribution it makes to members of the northern suburbs community through free legal advice and representation as well as offering community legal education.

Next, I congratulate Tina Bruno, who was recognised in the Lawyers Weekly Australian Law Awards in 2024 as the National Mentor of the Year. Ms Bruno is a senior solicitor for the Northern Community Legal Service. She conducts a number of outreach services in order to provide legal assistance to those members of the community who are the most isolated and vulnerable. She is committed to being able to access justice and specialises in working with clients impacted by family violence. Tina also has a passion for mentoring students and ensuring newly minted practitioners are supported in challenging yet rewarding ways in the profession as demonstrated by her winning this deserving award.

Finally, as I recently had the pleasure of reporting to the council, Ms Rahimi Wahidi was awarded the Emerging Lawyer of the Year at this year's Law Society of South Australia Legal Profession Dinner. Ms Wahidi arrived in Australia in 2005 as a refugee from Afghanistan at only the age of 11. She now works as a solicitor in the Northern Community Legal Service. On top of her important work there, she has initiated outreach services with refugee organisations and a local government school. I would like to congratulate and thank the service's director, Ms Patsy Kellett, who must be immensely proud as we as a government are of the recognition of the service and the awards that staff have received.

While there are often words thrown around in our community about the practice of law and particularly private practice and its motivations, practitioners who dedicate their careers to community legal centres, such as the Northern Community Legal Service, do so as a valuable public service to

assist members of our community when they need it most. They rightly deserve the recognition for their tireless efforts.

SA PROGRESSIVE BUSINESS ANNUAL CABINET EXCHANGE FORUM

The Hon. R.A. SIMMS (14:36): I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General on the topic of the South Australian Progressive Business event.

Leave granted.

The Hon. R.A. SIMMS: *The Advertiser* reported yesterday that the entire state cabinet and federal Labor ministers from South Australia will attend a $500 per head forum hosted by SA Progressive Business. The event includes scheduled policy briefings from the Hon. Mark Butler MP, the Hon. Senator Don Farrell, the Hon. Senator Penny Wong, the Hon. Nick Champion MP and the Hon. Stephen Mullighan MP. According to *The Advertiser*, the invitation states that each minister and MP will have a set station and guests will be encouraged to circulate throughout the room engaging in dynamic one-on-one discussions. There will also be closed room policy briefings with some ministers.

Over the last 15 years, I understand that SA Progressive Business has donated over $3 million to the South Australian branch of the Labor Party. My questions to the Attorney-General therefore are:

1. Is the Attorney-General attending the SA Progressive Business Cabinet Exchange Forum?

2. What information will he be providing as part of these dynamic one-on-one policy discussions?

3. In the spirit of transparency, will he commit to disclosing any policy information that he provides at this event to the parliament?

4. Will the minister advise where this secret event is being held?

Members interjecting:

The PRESIDENT: Order! Too much chirping.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:38): I thank the honourable member for continuing the trend and directing a question my way; it is much appreciated. First question: am I attending? Yes, I think from looking at my diary for the rest of this week I am attending on Friday, as I think all cabinet ministers are. I think the next question was: what one-one-one policy briefings am I involved with? I am not aware of what briefings I have yet, but that will be something I will look at if I have any of those booked in. Will I disclose every private meeting I have with anyone to this parliament, including these ones? No, I won't.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Simms has a supplementary question arising from the answer.

The Hon. H.M. Girolamo interjecting:

The PRESIDENT: The Hon. Ms Girolamo!

SA PROGRESSIVE BUSINESS ANNUAL CABINET EXCHANGE FORUM

The Hon. R.A. SIMMS (14:38): Does the minister accept many South Australians would find it disturbing that their minister is going to be having private conversations on a pay-for-access basis and why won't the minister advise where the event is being held?

The PRESIDENT: The second part of your supplementary question is probably relevant. I'm not sure about the first part.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:39): In relation to where it is being held, it is somewhere in Adelaide. I don't know. The Festival Centre? Convention Centre? It would be one of the areas that hosts events. I am not sure which hall it is in, but I will be happy to consult my diary late this afternoon and perhaps give the honourable member a call to let him know where I will be on Friday in case he wants to catch up for a chardonnay after work.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Simms, you have a further supplementary question arising from your original answer?

SA PROGRESSIVE BUSINESS ANNUAL CABINET EXCHANGE FORUM

The Hon. R.A. SIMMS (14:39): Arising from the original answer. In relation to the location of this fundraiser, would the minister provide an update to the parliament on any details he has in his diary in that regard?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:40): As I said, I will be very happy to consult with and let the honourable member know where I will be at various points on Friday.

Members interjecting:

The PRESIDENT: Order! Interjections are out of—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Pangallo I believe has a supplementary question arising from the original answer and I am going to move on from this line of questioning. The Hon. Mr Pangallo.

SA PROGRESSIVE BUSINESS ANNUAL CABINET EXCHANGE FORUM

The Hon. F. PANGALLO (14:40): Will attendees be charged for selfies that they may take with ministers?

The PRESIDENT: I am not saying that that's a supplementary question. Attorney, if you choose to answer it, you can, and then we are moving on.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:40): As much as I wish I was popular enough to do that, I have never, ever contemplated charging anyone for a selfie with me.

TARRKARRI CENTRE FOR FIRST NATIONS CULTURES

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:41): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs about Tarrkarri—Centre for First Nations Cultures.

Leave granted.

The Hon. J.S. LEE: The government recently released a new master plan for Lot Fourteen, which prominently features images of Tarrkarri in renders and site plans. The master plan also provides a timeframe for its construction, allegedly slated to begin in 2024 (this year) and be completed in 2028. However, the Premier stated in the press conference on 30 September that Tarrkarri continues to be a work in progress and that the government is still working to secure funding. My questions to the minister are:

1. Does the minister approve of gaslighting the South Australian public and the Aboriginal communities by including false timeframes for the construction of Tarrkarri in public documents when the government hasn't even secured funding for the project yet?

2. It is now 18 months since cabinet received the findings of the high-level review into the Tarrkarri project. When will the report finally be released to the public?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:42): I thank the honourable member for her question and bless her for continuing their strategy in the upper house today in state parliament. It's fabulous and I think it's working exceptionally well. I applaud them and there should be more of it. I do thank you. It is sometimes boring when I am not asked questions and I appreciate the opportunity to be up on my feet.

In relation to Tarrkarri, this was a project that was announced by the former Premier, Steven Marshall, under the Liberal government. From memory, it was somewhere around $200 million. It was a combination of state money and federal money under one of the city's projects from the federal government. I want to be clear: that money is still there; that money hasn't been taken away. But upon coming to government and upon instigating a review, what became very apparent is that what was proposed by the former Liberal Party would be something that would not be of international let alone possibly national significance.

We didn't think it was appropriate to proceed on the basis of that. There has been a review undertaken. I think the Premier has made it clear that there is further funding being sought and that work continues.

TARRKARRI CENTRE FOR FIRST NATIONS CULTURES

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:43): Supplementary: when will the review be released to the public?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:44): As I have said, the work continues on securing further funding.

FORESTRY CENTRE OF EXCELLENCE

The Hon. R.B. MARTIN (14:44): My question is to the Minister for Forest Industries. Will the minister please update the council about the recent appointment of a director for the Forestry Centre of Excellence?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:44): I thank the honourable member for his question. It has been a really exciting few weeks in the forest industry here in South Australia. The Premier and I launched the Forestry Centre of Excellence, as well as attending the launch of OneFortyOne's announcement of its $30 million investment in the renewable biomass power generation project at their Jubilee sawmill in Mount Gambier, which is part of their broader $90 million investment at the site.

In addition to this, I recently also had the opportunity to formally announce the appointment of a key staffing role at the Forestry Centre of Excellence. At the launch of the centre recently, I advised the forest industry about the appointment of distinguished Professor Emeritus Jeff Morrell as the inaugural Forestry Centre of Excellence Director, who will start in the role in January and will be based in Mount Gambier.

Jeff has a significant background in the forest industry, both here in Australia and in North America, with a focus in forest pathology and mycology along with spending large parts of his career in wood deterioration and its prevention. He has spent time previously at Oregon State University on the West Coast of the USA, where he directed the durability program, followed by five years in Brisbane at the University of the Sunshine Coast, where he helped establish the Centre for Timber Durability and Design Life.

Jeff has spent his career devoted to bridging the gap between academia and industry, to solve problems while developing the basic research needed to address future issues facing the forest industry. This is a key aspect of the Forestry Centre of Excellence, with the need to bring the research sector and industry together in addressing the challenges and opportunities that the industry faces.

The centre is the first of its kind in South Australia, and is a key election commitment to the forest industry that the state government made in the lead-up to the last state election after significant discussions with key stakeholders in the forest industry. The centre is being developed to extract maximum resource value from fibre resources, reduce the industry carbon footprint, build greater collaboration between industry, academia and government, and create new and more diverse economic opportunities.

It will advance skills to drive innovation and investment, create incentives to invest and leverage value-adding opportunities, and deliver safe, efficient and productive supply chains. The centre will encompass the full range of the forestry supply chain, including plantation management, harvesting and haulage, and timber processing. It will also cover the technical, safety, and training aspects relevant to those sectors.

I am confident that Jeff will thrive in this role, and I congratulate him on this appointment to what is a significant position, and his success on being appointed after a global search. Jeff's fields of specialisation, including wood science, wood preservation, wood microbiology and mycology, and his formal qualifications in forest pathology and mycology, plant pathology, and forest biology will be valued.

Jeff will soon call the regions home, and I understand is in the process of relocating to Mount Gambier where he will be based. I wish Jeff all the very best in the role and look forward to catching up with him once he commences.

ABORIGINAL ID FRAUD

The Hon. S.L. GAME (14:47): I seek leave to make a brief explanation before directing a question to the Minister for Aboriginal Affairs regarding Aboriginal ID fraud in South Australia.

Leave granted.

The Hon. S.L. GAME: Recent media reports, including one in *The Advertiser*, outlined claims of widespread Aboriginal fraud with increasing numbers of people self-identifying without verifying their Indigenous ancestry. Australian Bureau of Statistics data shows that the number of people who identify as Indigenous rose from 548,370 in 2011 up to 812,728 in 2021, an increase of roughly 33 per cent.

In South Australia the percentage of our population identifying as Aboriginal or Torres Strait Islander was expected to jump markedly at the next national Census in 2026. In the media reports I referenced, an Aboriginal land council chief executive told government figures that he had continuously received community complaints about non-Aboriginal abuse of Aboriginal programs, initiatives and projects such as employment, housing and university entry.

In addition, a Riverland-based young Indigenous leader, Tyson Lindsay, has told my office that he, too, is aware of Aboriginal ID fraud in regional areas, and he told us that the current processes and policies in place lack authentication and allow for unverified claims to be made and go unchecked. My questions to the minister are:

1. Is the minister and his government aware and willing to acknowledge this growing problem of Aboriginal ID fraud?

2. Given that SA taxpayer funds set aside for Indigenous affairs need to be spent on those it is intended for, and that we know self-identification can be a simple box-ticking exercise, what measures are the minister and the state government taking to guard against Aboriginal ID fraud?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:49): I thank the honourable member for her question. If she has evidence of someone fraudulently claiming any government funds, any government benefits, any government program on the basis of fraud, I would encourage her to take that to the relevant authorities. At first instance I would suggest she takes that to SAPOL.

In relation to Aboriginal identity, for some decades now the test that has been applied since I think it was Justice Brennan's judgement in the Mabo decision—Mabo v Queensland No. 2 1992

has a tripartite test, which is accepted very widely in most states, and certainly the commonwealth, that has for Aboriginal identity that if someone holds themselves as an Aboriginal person, is accepted by that community as an Aboriginal person, and is of Aboriginal descent, that is a well-defined test in our law, and has been since Justice Brennan set it down as part of the Mabo decision.

ABORIGINAL ID FRAUD

The Hon. S.L. GAME (14:50): Supplementary: can the Attorney confirm he is in fact dismissing the concerns raised by the Aboriginal Land Council chief executive and the young Indigenous leader, Tyson Lindsay, that there is a growing problem of Aboriginal ID fraud?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:50): No, I am not doing that.

ADVOCACY MEETINGS

The Hon. L.A. HENDERSON (14:51): I seek leave to make a brief explanation prior to addressing a question to the Attorney-General regarding advocacy meetings.

Leave granted.

The Hon. L.A. HENDERSON: On Friday 20 September, lawyer Andrew Carpenter said on radio that he was invited to a meeting with an undisclosed government minister and then was turned away and not welcome to participate. He said, and I quote:

> I won't say who I was asked to go to a meeting with, someone from the Labor Party a few weeks ago. I was invited to that. And when I arrived at the building, I got told I wasn't allowed in because I'm doing too many civil actions against the state. Now, I was invited to go there and I got turned away at the door.

My questions to the minister are:

1. Did he or his advisers turn away Andrew Carpenter and, if not, is he aware which minister or their advisers did?

2. Is it standard practice now under this Malinauskas government to turn people away at the door despite having a scheduled meeting?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:52): I thank the honourable member for the question. Certainly one of the great privileges of the work that I do is meeting with a lot of people who have suffered very traumatic and quite horrifying experiences, but are advocates for change in the areas that have affected them, using their experiences of what they have gone through to make processes better for people in the future. I do that regularly in a whole range of areas, and very often I am very keen to hear directly from those who have been affected and involved. From time to time there will be forums where I want to hear directly from the people rather than through other people about their experience, and that is a practice that I will continue to do.

ADVOCACY MEETINGS

The Hon. L.A. HENDERSON (14:52): Supplementary question: can the minister advise if he or his advisers turned away Andrew Carpenter from a scheduled meeting?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:53): Certainly if we have extended of our own volition an invitation to someone to meet, that generally happens if we have made the invitation for that person to come.

Members interjecting:

The PRESIDENT: Order!

ADVOCACY MEETINGS

The Hon. L.A. HENDERSON (14:53): Supplementary question arising from the original answer: can the minister please take on notice if he or his advisers have turned away Andrew Carpenter from a meeting of which he had been notified and accepted from the minister's office that he would be in attendance at?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:53): As I have said, the general practice is, if we have initiated and invited someone for a meeting we generally keep that.

DOMESTIC VIOLENCE OFFENDER ELECTRONIC MONITORING

The Hon. M. EL DANNAWI (14:53): My question is to the Attorney-General. Can the Attorney-General inform the council about the recent commencement of the government's laws to electronically monitor serious domestic violence offenders?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:54): I thank the honourable member for her question, and her interest in this area, and I am pleased to share with the council that landmark laws passed earlier this year by parliament commenced operation at the start of this month, on 1 October. In line with a key government election commitment, a bill was introduced in this place to ensure the electronic monitoring and home detention of domestic violence offenders who breach an intervention order with violence or a threat of violence.

The bill, I am pleased to say, as members will remember, passed with unanimous support earlier this year and, after further consultation with key stakeholders, commenced only weeks ago. The new laws now in operation will see any defendant granted bail on a charge of breaching a domestic violence-related intervention order by either threatening or committing an act of violence being subject to mandatory home detention and electronic monitoring.

Such defendants will only be allowed to leave the home for specific reasons, such as travelling to work, with real-time alerts being provided in instances where bail conditions are breached. The bill will add an extra layer of protection to victim survivors and the broader community by providing that, if bail is granted for these defendants, it must be subject to home detention and electronic monitoring conditions.

The commencement of this life saving legislation comes on the back of a suite of other critical domestic violence-related reforms undertaken by this government and many passed with support of all in this parliament, including providing public sector workers access to 15 days paid domestic family and sexual violence leave, as well as legislation that makes the experience of domestic violence a ground for discrimination under South Australia's equal opportunity regime.

The government's recently established Royal Commission into Domestic, Family and Sexual Violence is also now well underway, with the commissioner already having spoken with many key stakeholders and community members about how we as a state can together tackle the scourge of domestic violence. I look forward to the continued work of this government and the results of the royal commission to see further protection of victim survivors of domestic violence.

SKYCITY ADELAIDE

The Hon. C. BONAROS (14:56): I seek leave to make a brief explanation before asking the Attorney, representing the Minister for Consumer and Business Affairs in another place, a question regarding SkyCity casino.

Leave granted.

The Hon. C. BONAROS: The High Court today ruled on its interpretation of how South Australia's casino pays taxes to the state government, with SkyCity now being required to pay additional casino duty in the order of about $13 million. According to media reports and other commentary, the casino could also be forced to pay a further $25.3 million in interest on top of that tax liability. In a nutshell, and as highlighted by SkyCity today, the High Court has confirmed the Court of Appeal's interpretation of the agreement findings that credits on gaming machines arise from the conversion of loyalty points when played by customers, and these are to be included in gaming revenue for the purposes of calculating casino duty at the casino.

The media reports by the Treasurer confirm this as well, saying that today's decision confirms that SkyCity must meet its tax obligations to South Australians and that its loyalty points are to be treated as gambling revenue under the casino duty agreement. My questions to the minister are:

1. Now that this issue has finally been resolved, what proportion of the additional revenue can we expect to go towards much needed gambling support services, specifically the Gambler's Rehabilitation Fund?

2. Will the government commit to increasing its contribution to the GRF from the additional tax revenue?

3. What, if any, discussions have taken place or are taking place with casino operators in South Australia in terms of negotiating a higher proportion of funding towards the GRF specifically by the casino?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:58): I thank the honourable member for her questions and I will certainly pass them on to the relevant minister in the other place and make sure a reply is supplied to her.

SKYCITY ADELAIDE

The Hon. R.A. SIMMS (14:58): Supplementary: is the minister aware of any representatives of SkyCity casino attending Friday's closed shop event?

Members interjecting:

The PRESIDENT: The Hon. Mr Simms, outrageous.

The Hon. R.A. SIMMS: That's not the outrage here.

The PRESIDENT: Order!

DOMESTIC VIOLENCE COURTS

The Hon. D.G.E. HOOD (14:58): I seek leave to make a brief explanation before asking questions of the Attorney-General regarding the South Australian court system.

Leave granted.

The Hon. D.G.E. HOOD: There have recently been public calls for new specialised domestic violence courts, equipped with expertly-trained judiciary staff, to fast-track domestic violence cases and ultimately protect victims in doing so. It is due to the fact that the women—usually women, of course—are often in situations where they are subjected to further domestic violence incidents perpetrated by their alleged attackers due to the delays in the court proceedings.

The general manager of advocacy group Embolden, Mary Leaker, has stated in the media that faster court processes would enhance safety for victims, particularly where the alleged offender has not been remanded in custody, as can be the case. In response a state government spokesperson said the government was 'committed to taking action against the scourge of domestic and family violence'. My question is simply:

1. Is the Attorney-General considering implementing a specialised domestic violence court?

2. If so, what actions have already been taken, what preparatory work has been done and what might it look like?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:00): I thank the honourable member for his question. It is a good question and one that is very relevant given the focus that is quite rightly on family, domestic and sexual violence right around Australia but particularly in South Australia as I have talked about I think in both question times this week in relation to the Royal Commission into Domestic, Family and Sexual Violence in South Australia.

I am happy to go away and check to make sure I've got this correct, but to the best of my recollection there is a family violence list that runs in the Magistrates Court, a special list for those offences within the Magistrates Court. I will go away and just check that that is correct, but certainly I think with the royal commission running it will be an excellent opportunity to look at ways that we

better provide services to those victim survivors of family and domestic violence, which include how the court systems are used.

So let me double-check, but I am pretty sure there is a family violence list already established in the Magistrates Court—whether that might be a template for superior courts, or I suspect there may be recommendations about how the court or particularly judicial proceedings might better suit family and domestic violence cases from the royal commission.

FAMILY VIOLENCE COURT

The Hon. D.G.E. HOOD (15:01): Supplementary: I thank the minister for his answer. Is the purpose of that listing in the Magistrates Court to expedite matters, in line with my question?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:01): Generally where there is a special listing it is to make sure those matters are dealt with—it is often twofold: to make sure that there are similar people hearing those matters for consistency but also where there is a special list it often helps matters in terms of timing. So it is not the first available slot, because there is a specialised list that those matters can then go into.

PULSE PRODUCTION RESEARCH AND DEVELOPMENT

The Hon. J.E. HANSON (15:02): My question is to the neglected Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the GRDC project that SARDI is involved with and how it will benefit pulse production in South Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:02): I thank the honourable member for his question. South Australia grows around four million hectares of grain crop each year, including wheat, barley, pulses and canola. In 2022-23, the farmgate value of South Australian grains was $4.77 billion.

As many in this chamber would be aware, wheat and barley make up most South Australian crops, but pulses—lentils, field peas, broad beans, chickpeas and lupins—have experienced growth. With 582,000 tonnes a year produced, based on a 10-year average, pulses are an incredibly important crop for many farmers across the state and will become more important as research and capability continues to grow. SARDI is at the forefront of this research, spearheading the South Australian component of a GRDC project into pulse production across Australia.

The projects target pulse productivity in New South Wales, Victoria, Western Australia and South Australia and aim to identify best practice legume production and quantify yield gaps in grain legumes. Better understanding in these areas can improve technical efficiency, which in turn leads to greater sustainability and profitability for farmers.

Research in each region is structured in a hub-and-spoke model, with the hub forming the basis of research and validation trials, and the spokes providing on-farm demonstration sites. The hubs for the South Australian part of the project are located at Tooligie, Hart and Loxton, with the on-farm spokes located at Millicent, Melrose, Riverton, Maitland, Bute, Pinnaroo, Coomandook, Edillilie, Kimba and Wangary. With the spoke sites located across such a large part of the state, the trials are region-specific and designed to increase knowledge and answer questions raised by growers at a local level, with a focus on subregional grower-driven research priorities.

The scope of the South Australian component of the project includes economic impacts of grain legumes on farm profitability; disease management and integrated weed control strategies; soil amelioration impacts, including from deep ripping; reducing pod loss; lentil variety trials to increase awareness of how these cultivars are adapted to expanding cropping areas; and flexible responses to emerging grower issues.

Importantly, the program prioritises engagement with growers, with activities at every site, as well as field days, crop walks and more. So far more than 500 people have attended the activities as part of the project.

Working with SARDI in collaboration on this project are a range of farming, research and community-driven groups, including Frontier Farming Systems, EPAG Research, FAR Australia and

Trengove Consulting, with affiliated communications and extension partners including Ag Communicators, Ag Innovation and Research Eyre Peninsula, Upper North Farming Systems, Hart Field-Site Group, Mid North High Rainfall Zone Group and Mallee Sustainable Farming.

I congratulate all involved in these exciting projects across the country, but in particular those who are taking part in South Australia. I thank SARDI for their leadership on this important project.

PULSE PRODUCTION RESEARCH AND DEVELOPMENT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:05): Supplementary: given the drought has been estimated to cause a loss of grain crops around $1.3 billion from average annual grain returns, what impacts or effects will the drought have on these trial results?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:05): I think trying to anticipate what results will happen in the future is probably somewhat fraught.

SPORTSBET

The Hon. T.A. FRANKS (15:06): I seek leave to make a brief explanation before addressing a question to the Attorney-General, representing the Minister for Small and Family Business and Consumer and Business Affairs, on the topic of his department's investigation into Sportsbet.

Leave granted.

The Hon. T.A. FRANKS: Today in South Australia, if a potential punter logs onto their Sportsbet app they are greeted with a pop-up that announces that '!Changes to betting on UFC markets has been restricted as they are not permitted in your location', UFC being the acronym for Ultimate Fighting Championship, and MMA often coming after that acronym, which stands for mixed martial arts.

It was reported in *The Guardian* this week that the Attorney-General's Department is currently investigating Sportsbet. My questions are:

1. When did that investigation start?
2. Does it involve UFC and UFC MMA?
3. Does it involve any other markets, such as novelty markets?
4. Does the government have confidence in Sportsbet?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:07): I thank the honourable member for her questions. I will be sure to pass those on to the Minister for Consumer and Business Affairs, who enjoys the support of that part of the Attorney-General's Department that supports the endeavours in that area, and I will bring back a reply.

SPORTSBET

The Hon. R.A. SIMMS (15:07): Supplementary.

The PRESIDENT: Really?

The Hon. R.A. SIMMS: Will any representatives from Sportsbet be attending the SA Progressive Business event?

The PRESIDENT: The Hon. Mr Simms, you are extremely naughty.

Members interjecting:

The PRESIDENT: Order!

VICTIMS OF CRIME

The Hon. H.M. GIROLAMO (15:08): I seek leave to provide a brief explanation before asking a question of the Attorney-General regarding victims of crime.

Leave granted.

The Hon. H.M. GIROLAMO: In *The Advertiser* article from 2 October 2024, it is outlined that, in response to victims of crime Mr Egbert and Ms Wells, who asked the Attorney-General to intervene in a complex situation that meant they had to pay back $40,000 to the victims of crime unit, a Crown solicitor said:

> …Mr Maher offered 'his sincerest condolences' but had 'declined' to intervene.
>
> She said doing so would amount to 'a further payment', and the government sought to 'avoid any double compensation being paid for the same harm'.
>
> 'In order to ensure this issue does not arise again…my office is amending the standard terms of discharge and release in Victims of Crime claims,' she wrote.
>
> She said all future victims would have to sign a clause 'expressly stating' they 'agree not to make a request to the Attorney-General' to intervene.

My questions to the Attorney-General are:

1. Does the Attorney-General think he and his staff are above handling victims of crimes that face complex arrangements of compensation for pain and suffering?

2. Does the Attorney-General think Mr Egberts and Ms Wells were intentionally double dipping?

3. Will the Attorney-General implement further clauses asking victims of crime not to contact him?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09): I thank the honourable member for her question. I completely reject much of the opinion that was in the question. Often there are horrific circumstances in which people become victims of crime, such as the one the honourable member has mentioned. Regularly, what occurs is that application is made under the victims of crime legislation and scheme for payment. Payment is made.

If it is something that is to do with the negligence or actions that haven't been taken by a state government department, there can follow a civil claim against that department. In those occasions where that happens, there is often a settlement that is reached. What regularly occurs in such settlements is there is an amount that is agreed to in terms of that settlement deed, and that settlement deed will reflect that there is an amount as compensation for that civil claim. It will also reflect that there has been an amount that has already been paid from the Victims of Crime Fund as part of that settlement, and then that amount is paid.

I want to be very clear: in those circumstances, anyone who has received that victims of crime payment are not asked to pay it back, and they don't pay it back. They get to keep that initial payment, but it is reflected that that has already been paid in the settlement of claim's deed.

People can then make a second application for another payment on top of what has already been received if they wish for a second payment for the same circumstances, but that I think would be rarely paid for another payment for the same circumstances.

VICTIMS OF CRIME

The Hon. H.M. GIROLAMO (15:11): Supplementary: who should the victims of a crime be going to, if not the Attorney-General, including Mr Egberts and Ms Wells? Who should they be approaching?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:11): As I say, anyone who has a grievance can always approach or correspond with any member of the government. When there is a negotiation that has occurred, particularly to people who have been legally represented in relation to how a deed has been settled, that includes a settlement amount for that civil claim and also notes that there has been a payment from the Victims of Crime Fund. As I say, they are not asked to pay that money back. That is not what occurs, and certainly in this case that is not what has happened.

VICTIMS OF CRIME

The Hon. H.M. GIROLAMO (15:12): Further supplementary: why were the victims expressly told they must agree not to make a request to the Attorney-General to intervene?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12): I am happy to go back and have a look. I don't have in front of me any wording that was made, but, particularly given this matter, I think it is best that any deed settlement is even clearer, to make it clear that money has already been paid from the Victims of Crime Fund to make it very clear that it has occurred. I think it might even be worth making it clear that that money that has already been paid won't be paid back from the person who has made that claim as part of that deed settlement.

SHORT FILM: DIPPED IN BLACK

The Hon. R.P. WORTLEY (15:13): My question is to the Minister for Aboriginal Affairs regarding the *Dipped in Black* film screening. Will the minister inform the council about the recent success of Derik Lynch's and Matthew Thorne's short film *Dipped in Black*?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:13): I thank the honourable member for his question and his interest in Aboriginal affairs and the arts generally. *Marungka Tjalatjunu* (or *Dipped in Black*) is a multiaward-winning short film from Yankunytjatjara South Australian artist and performer Derik Lynch, co-directed and co-written with South Australian filmmaker Matthew Thorne, that has blown away audiences around the world.

Voiced completely in the Yankunytjatjara language, the film follows Lynch as he embarks on a road trip from the oppression of city life in Adelaide back to his country, Aputula in the Northern Territory, for spiritual healing. Back home in his remote community, he performs a traditional form of storytelling and ceremony—inma—as memories from his childhood return.

The movie made history in 2023 when it became the first ever film to win both the Silver Bear Jury Prize, which is the prize awarded to short film, and the Teddy Award for Best Queer Short Film at the 73rd Berlin International Film Festival. The jury statement at the Berlin Film Festival put it well. It stated:

> The film exposes and weaves together those tender and difficult threads of living in multiple worlds—worlds which are your own, full of loss and love, of trauma and survival—and worlds which are thrust upon you, often violent and unrelenting, and often unforgiving.

Despite the short film being only 24 minutes in duration, it was also the winner of the Documentary Australia Award at the Sydney Film Festival in 2023 in a category which was up against feature documentaries—a quite remarkable achievement. The film also won Best Short Documentary at the 2023 Melbourne International Film Festival, a 2023 Ruby Award and most recently the 2023 Screen Diversity and Inclusion Network Award.

Recently this year, I had the pleasure of attending the South Australian Film Corporation's inaugural Screen Circle members' event at the Piccadilly cinema along with other members of parliament, helping to raise awareness of the value and importance of the industry and encouraging support for the South Australian Film Corporation and the screen sector in which this film was shown.

The South Australian Film Corporation was established pursuant to the South Australian Film Corporation Act 1972 by then Premier Don Dunstan to both encourage and develop local film and television industries and to attract production to the state. Members of this council are well aware of Don Dunstan's significant contributions to the arts in South Australia and the advancement of Aboriginal people in this state both as the Premier and the Minister for Aboriginal Affairs.

It was fitting then that the inaugural Screen Circle members' event should be screening *Dipped in Black*, which was made with support from the South Australian Film Corporation, Adelaide Film Festival Investment Fund and Panavision. The screening of the film was followed by a live in-person Q&A with Derik Lynch and sound designer, Jed Silver. Hearing the two of them talk about the making of the film, you could feel a natural connection and a need for them to tell this story. It was an interesting evening and underscored the urgent need to tell First Nations stories because

they are important. They are important for First Nations people and they are important for the history of this country.

APY LANDS

The Hon. F. PANGALLO (15:16): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs a question about the appointment of a general manager to the APY lands.

Leave granted.

The Hon. F. PANGALLO: In reply to a question I asked the minister in April about the process to appoint a new general manager to the APY lands, the minister said:

> Much of the rest of the factual scenario that the honourable member has set out I believe to be substantially correct—that is, that the current general manager is not going on after the recruitment process that occurs has been finalised.

Those comments were in part due to the fact the government had decided not to approve the renewal of the contract of the incumbent general manager, Richard King, and advertised for the position. Yesterday, when I asked you another question on the topic after a number of concerns had been raised with me about the probity of the selection process, you said:

> The correspondence we have received from the duly elected APY Executive is for the reappointment of Mr King. That is the subject of discussion between the government, which approves the terms and conditions, and the APY Executive.

My questions to the minister are:

1. Have you made a decision yet on whether you will agree to the APY lands board's recommendations to reappoint Mr King and, if so, on what grounds, given your decision earlier this year not to renew that contract?

2. How is it possible to appoint Mr King, given Mr King did not apply for the position when it was advertised?

3. What were the recommendations of the board to reappoint Mr King and what reasons were given as to why shortlisted applicants were rejected?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:18): I thank the honourable member for his question. I note his genuine interest in this area. I will remind him, though, as I outlined yesterday, that the government does not appoint the person to this position. I think the questions had amongst them about the government advertising for this position. I want to make it very clear once again: pursuant to the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981, it is not the government that makes the appointment, it's not the government that advertises for this position, it is APY themselves through their duly elected executive board. The government has a role in either approving or not approving the terms and conditions of whoever it is that APY themselves decide to put up.

As I said yesterday, I have received correspondence from the newly elected board. In late August I think there were elections for the newly elected, I think 12-person, APY board. It is up to APY to decide who to put forward to me. It is up to them to decide what their processes are. The recruitment process that they had in train under the old board was not one that the government put in place; that was one that the previous APY board put in place.

In relation to the question that was asked: have I made a decision to appoint someone? No, I haven't. I don't appoint anyone—that is very clear under the act. Have I made a decision to approve terms and conditions? No, I haven't; I have asked for further information.

APY LANDS

The Hon. F. PANGALLO (15:20): Supplementary: will you approve terms and conditions and question why Mr King has been put forward when he wasn't even an applicant for that job?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:20): I thank the honourable member for his question.

As I said, I have not approved terms and conditions. I have asked for further information, including how the process previously ran and the decision in relation to the new board, who are, within their power, capable of making a different decision to the old board who have put this forward. So I have asked for further information and I have not approved terms and conditions at this stage.

YOUTH TERROR SUSPECTS

The Hon. B.R. HOOD (15:21): I seek leave to make a brief explanation before directing a question to the Attorney-General about youth terror suspects.

Leave granted.

The Hon. B.R. HOOD: The head of British agency MI5 recently warned of online extremism aimed at children and highlighted that 13 per cent of cases investigated for involvement in UK terrorism are under the age of 18. Home Office figures reveal that UK police detained 242 people on suspicion of terror offences in the last year to June, and 40 of these were aged under 17. The latest figures on referrals to the UK government anti-terror program, which aims to stop people turning to terrorism, revealed that children under 14 now account for the second largest proportion of potential cases. My questions to the Attorney-General are:

1. Does South Australia capture similar statistics regarding the age of individuals suspected of state-based terror offences?

2. If so, what proportion of those investigated for involvement in terrorism are children or young people?

3. How many referrals have been made to the Inclusion Support Program to divert young people away from violent extremism in the last 12 months?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:22): I thank the honourable member for his question. State-based terror offences I think are a relatively little-used mechanism. I think the federal laws are much more often invoked. I am happy to go away, though, and see if there are—which I am not sure there will be—statistics for any application under state-based laws. It's the federal laws that are much more used and it's the federal authorities that have the much more sophisticated investigation powers in relation to terrorism than state-based jurisdictions. I am happy to see if we hold, as a state, any of those federal statistics and to see if they can be provided.

I agree with some of the tenor of the honourable member's question—it is a worrying trend we are seeing globally in terms of the radicalisation of people, particularly young people. That is one of the very strong reasons that we are taking world-leading action in relation to young people's use of social media.

I think it was the Director-General—and I stand to be corrected—of ASIO, Mike Burgess, who spoke I think at the Adelaide section of the joint forum that was held in Sydney on Thursday and then in Adelaide on Friday last week, of the increasing ease by which young people can find themselves confronted by extremist material and extremist influences, starting with social media today. As I said, that is exactly why we are taking world-leading action in looking at restricting young people's access to social media, which can have benefits but can have some grave dangers as well.

Matters of Interest

NATIONAL CARERS WEEK

The Hon. H.M. GIROLAMO (15:24): Today, I rise on the fourth day of National Carers Week 2024 to highlight one of the millions of reasons to care. National Carers Week occurs annually and this year will run from Sunday 13 October to Saturday 19 October 2024. It is a time to recognise, celebrate and raise awareness about the three million Australians who provide care to a family member or friend. I am proud to say that this week also marks the one-year anniversary of the establishment of the Parliamentary Friends of Carers, a joint venture with the member for Adelaide, Lucy Hood MP, from the other place.

Throughout the events, tours and workshops that we have held one thing stood out to me and that is that the rising cost of living is disproportionately affecting unpaid carers. Today I would

like to share the stories of some of those carers in their words. Two weeks ago I was contacted by Carol via email with the subject line 'Cost of living'. Carol's email read:

> Hi Heidi,
>
> As a carer we have many issues. We have many expenses often relating to medical needs, prescriptions, travel to hospital appointments, and special dietary needs, in-home cost of high electricity to cover the costs of the child sometimes needing extra heating and cooling to keep the children stable. Some children do not like change so routines, which might include a lot of baths and electronic equipment, a lot of washing due to wet nights, the money barely covers the higher cost of living.
>
> It would be great to get a council rate discount or more, other services made available, and we must also always ensure that we have good phone service which is always near impossible to cover all of the bills. We must have a good car, full car insurance to accommodate the children's needs, then try to pay for activities to let them have a normal life as part of our family.
>
> I've not been able to afford a holiday since having my foster son. We miss out on many things. We save the government large residential costs of having these children. All carers need are high cost-of-living increases.

Thank you, Carol. I would like to send a special thanks to Carol as it was her email that inspired me to speak on this topic today. Carol's story, while not unique, will sound all too familiar to other carers. Carol's story is an example of the day-to-day challenges so many unpaid carers face due to the rising cost of living. For a carer, it is not themselves that they must consider when managing their budget but, typically, they are on a very limited and fixed income. In fact many carers selflessly forego their own needs to support those they are caring for.

Often when people need to be cared for it is because they have complex needs which comes with its own laundry list of expenses. The cost of these needs often falls to the responsibility of the carer. With a failing health system, exorbitant grocery prices, rising utility costs, not to mention the cost of going to a GP, SA Water increases, emergency service levy and ever-increasing government fees and charges, it is so hard for most South Australians to keep up with the current economic climate, let alone those who have an extra person or more in their care.

What I have found consistently when meeting with so many carers just like Carol is that, despite the many challenges, they always choose to go on with caring for those in need. Following on from Carol's email, I reached out to other carers in the community and received feedback from a lady who wishes to remain anonymous. She states:

> I'm a foster carer who has cared for a child with complex needs for many years and I want to highlight the significant financial challenges we face.
>
> Caring for children with higher support needs has impacted my ability to work, adding financial strain. This affects both my livelihood and the care that I can provide.
>
> Unlike others in the child protection sector, I do not have superannuation for retirement, leaving me financially disadvantaged in the long term. The carer payment is insufficient and hasn't kept pace with the rising cost of living.

I would like to thank those who have shared their reality with me, and allowing me to retell this in this place. I urge those listening to check in on carers, offer them a break, acknowledge them and support them. Find one of the million reasons to care and also to ensure that this week, as we are celebrating Carers Week, that we reach out to those who are making the ultimate sacrifice.

RURAL REGIONS

The Hon. S.L. GAME (15:28): Football-deep potholes along busy roads, mobile phone blackspots just a few kilometres out of town, people staying in caravans, being in the middle of a housing crisis, being kicked off privately-owned land because of archaic SA laws, and grassroots concerns over the SA Voice to Parliament—these and other important issues were raised during my two most recent trips to a couple of SA rural regions.

In a few days, split between the state's South-East and the Copper Coast, I was presented with a landslide of commonsense views. Thankfully, these views were not laced with spin or ulterior motives, they were genuine opinions, formed via lived experience, a proclivity for hard work and a penchant for straight talking.

In August I spent a couple of days in the Limestone Coast, and that old cliché 'it's not the destination, it's the journey' was very apt, as I was forced to drive a particularly dangerous stretch of

Princes Highway linking Millicent to the important regional centre of Mount Gambier. The state of rural roads was perhaps the most common complaint I fielded during both trips, and unfortunately it seems some South Australians are resigned to the fact that many of our roads are substandard and dangerous.

Upon returning to Adelaide—safely, I am glad to say—I wrote to our federal Minister for Infrastructure, Transport, Regional Development and Local Government, Catherine King, asking for a please explain on the state of Princes Highway. I did so because my office noted the road's decrepit state contradicted the federal government's vision for the Princes Highway Corridor outlined in a 2019 strategy report produced by Minister King's department. That vision was aimed at achieving improved safety and efficiency along Princes Highway, and so I asked Minister King what strategies were in place for corrective measures to address this specific stretch of road. I also asked what funding has been set aside for this purpose.

Minister King replied, essentially advising of a significant amount of federal funding dedicated to Princes Highway, but also pointing out that the priority for work rests with the state government. I have since written to South Australia's Minister for Infrastructure and Transport, Tom Koutsantonis, asking about the Malinauskas government's plans to prioritise funding for this potentially treacherous stretch of Princes Highway, and requesting an estimate of when we are likely to see any action taken.

The poor state of local roads was a popular theme of conversation across both rural areas, but I encountered other recurring topics, again firsthand in the case of mobile phone blackspots. Just a few minutes out from some Limestone Coast towns, my mobile phone—monitored by a staffer, not me—was basically useless due to the proliferation of blackspots. While a mere inconvenience for me, such disconnectivity can be life-threatening for farmers when accidents or medical episodes occur. I was given tragic local examples of this, and I know other South Australian regions, which could hardly be labelled remote, have the same problem.

My principled opposition to the divisive and undemocratic South Australian Voice to Parliament was proud and well publicised. As we all know, the Federal Voice to Parliament was rejected by Australians, especially South Australians, but unfortunately the Malinauskas government inexplicably soldiered on with is own version. Months ago I tabled a bill to repeal the South Australian Voice, and I must say even I was surprised by how front of mind the South Australian Voice remains amongst people in regional and rural areas. Unprompted, it was brought up multiple times during my recent trips.

Such unfiltered views were also applied to the creeping influence of public schools on the moral teaching of children. I plan to address this latter, insidious trend, via my Parental Primacy Amendment Bill 2024 but, again, simple principles of common sense were applied to this scenario. Disturbingly, a local case on the Copper Coast of a 13-year-old girl being asked by a school librarian about her preferred pronouns illustrated this madness.

A final example of another issue I uncovered on my recent trips, and one I possibly would never have heard about had I stayed in Adelaide, was learning of the unsatisfactory situation unnecessarily exacerbating South Australia's housing and homelessness crisis. Perhaps surprisingly to some, homelessness is rampant in certain rural areas, including the Copper Coast, and I was told of people staying in caravans on private land effectively being evicted for no good reason, and of others being forced to move caravans off their properties. I am currently exploring how we might adopt temporary accommodation laws in place interstate to help these people and address that crisis.

My rural visits hammered home the seriousness of cost-of-living pressures in South Australia. These pressures extend beyond householders being forced to shiver under extra blankets for fear of ballooning power bills. Power is a major input cost for many South Australian primary producers, and those I spoke to passed on eye-popping information about how much extra they have had to find over the past year or so to cover the ridiculous, untested renewable energy fantasy being driven by Labor governments at both federal and state level. These are real people suffering real consequences from reality-deprived ideologies.

AUTISM INCLUSION TEACHERS

The Hon. E.S. BOURKE (15:33): Recently, I visited the Marryatville Primary School during their very first Neurodiversity Day, coordinated by their autism inclusion teacher, Cathy Cook. The day began with an outside whole-of-school assembly where we heard from some of the very talented Marryatville Primary School student leaders about what it means to be neurodivergent. Classes then rotated through the school hall for a wide range of hands-on activities that focused on brain differences, set up by Cathy and her autism action team.

There were sensory tasks, puzzles and optical illusions, but also a breakout space for those who wanted some quiet time to regulate. After attending Cathy's impressive Neurodiversity Day, I was not shocked when I heard she was recently acknowledged as a finalist at the Public Education Awards in the Inclusive Practices in Education category. I was even more impressed when I heard that Cathy was also successful in another award for the Inclusive and Positive Culture category at the National 2024 Teachers Awards, showcasing to the entire country just how transformative autism inclusion teachers can be.

We know Cathy is not the only autism inclusion teacher thriving in her new-found role. Autism inclusion teachers around the state are just as dedicated to fostering belonging and inclusivity, not only in the classroom but in their whole school community. That is why, following the success of the autism inclusion teachers in our public primary schools, we announced just this week that we will be expanding this initiative into high schools. It is estimated that more than 2,250 autistic students will be transitioning from public primary schools to public secondary schools over the next three years.

We know the transition to high school for an autistic student can present additional challenges as they navigate a new school environment with different teachers, peers and classrooms. As a government we have recognised these complexities and will be trialling three different models for autism inclusion to reflect the unique needs of secondary schools. The trial commencing this term will see nine secondary schools in metro and regional areas participate in this initiative by delivering professional learning and supports to leadership and year 7 staff.

Importantly, schools have been divided into three groups, each trialling a different autism inclusive model. Model 1 consists of one-day onsite professional learning, with centralised support from the Department for Education. Model 2 will include some professional learning but also a two-day positive partnership workshop, with centralised department support. Model 3 is a similar combination of 1 and 2, but also includes embedded site support from the autistic inclusion adviser.

The schools undertaking this trial of model 3 are Marryatville High School, Seaford Secondary College and Murray Bridge High School. At the end of this trial we will be able to see which models worked, if a model worked and if we need to combine the models to see what is best to support our teachers and autistic students in our public high school environments.

It is the tireless efforts of the autism inclusion teachers like Cathy, who have excelled in their role in a primary school setting, as well as the autistic students and family feedback that have empowered this government to keep excelling in this space. South Australia was the first to introduce autism inclusion teachers, the first to have a dedicated assistant minister and the first to establish an autistic-led Office for Autism within the Department of the Premier and Cabinet. This government, AIT superstar Cathy and rest of the autism inclusion teachers and their community are leading the way to make South Australia the autism inclusive state.

WOMEN IN PARLIAMENT

The Hon. R.B. MARTIN (15:37): Thirty years ago, at the Australian Labor Party's 1994 national conference, our party made the significant decision to adopt affirmative action quotas for women to be preselected for winnable seats in the federal parliament. This decision prescribed that 35 per cent of candidates preselected for winnable federal parliamentary seats must be women by 2002. That figure has subsequently been increased in stages and now sits at 50 per cent.

Before I speak about what we have achieved, I must revisit where we have come from. When Tony Abbott was elected Prime Minister in 2013 he announced a cabinet of 19 members. Among them there was only one woman. Quite memorably, the Prime Minister declared himself to be disappointed that there were not at least two women in the cabinet, but said that he expected women

to be promoted over time, with good and talented women in the outer ministry knocking on the door. As Prime Minister he chose not to take the utterly straightforward step of opening that door.

The addition of the World Economic Forum's Global Gender Gap Index that covered the year before Abbott's cabinet was sworn in reported Australia as ranking 47th globally on the number of women in ministerial positions. Abbott's administration plunged us to 65th. Today, scarcely a decade later, we rank 17th. In 2022, the Albanese Labor government became the first Australian commonwealth government in history to comprise a majority of women. It also features the largest number of women ever in an Australian federal cabinet.

That magnitude of change over less than a decade is no accident. We need affirmative action quotas because too many people are more comfortable with the doors shut. They prefer women to have to knock. There is this persistent fallacy that quotas stand in the way of merit-based selection. Merit is regarded by many opponents of quotas as going hand in hand with fairness: the idea that no matter who you are or where you come from your talent and your level of effort will determine your outcomes.

Opponents of quotas not only believe that our systems should operate on the basis of merit; they believe that our systems already do operate on the basis of merit. This is despite the overwhelming evidence of an enormous body of credible data demonstrating that in Australia and across the world our systems and our institutions still tend to favour men.

Talent and merit are distributed equally across the human population. Opportunity is not. Where gender disparity exists it can only be because our systems and our institutions continue to fail to distribute opportunity on a fair and equal basis. They largely always have and, unless we act to implement a ballast against their bias, they likely always will. For representation in our parliaments, quotas are that ballast.

If the merit system worked we would see very different parliaments across our nation than we see now. According to data from the Australia Institute, women remain under-represented in seven of Australia's nine lower or sole houses of parliament. Only in the ACT and Western Australia have their lower houses achieved gender parity. In Queensland's sole house women remain outnumbered more than two to one.

In the commonwealth parliament's House of Representatives, following the most recent election, in 2022, the proportion of Labor MPs who were women was 46.8 per cent, the proportion of Liberal MPs who were women was 21.4 per cent and the proportion of Nationals MPs who were women was 12.5 per cent. It is a stain on our society that any person could argue there is no injustice in those figures that demands redress.

Remarkable strides have been made in our party over the last 30 years, and we owe that to the various affirmative action policies that Labor has adopted at federal and state levels. Over time, quotas will change our thinking and change our culture. Parity will become embedded in our systems as the norm, and the explicit aim of quotas is to make themselves obsolete.

Especially during a week when many women in our community may be feeling confronted about certain of their rights being called into question, I would like to place on record my personal commitment to the fundamental right of women to political empowerment and to their right to be represented within our parliaments—at the centre of decision-making and lawmaking in this state and this nation—in equal proportion to men.

DROUGHT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:42): I rise today to talk about the drought that is affecting South Australia as well as other areas across south-eastern Australia. As the grain growing season has progressed, it has become clearer that in some parts of the state this is the worst drought in living memory. The Bureau of Meteorology reported in May that it was the lowest seven months of rainfall on record. Brad Perry from Grain Producers SA said:

> We didn't get opening rains, we didn't get finishing rains and a lot of the growers that I've talked to, who keep rainfall records back to the 1900s, have said it's either the worst or second worst on record...

Many have said that this drought has been harder than previous droughts as it comes at a time when fertiliser, energy, chemical costs as well as council rates are much higher. It has also been exacerbated in many regions by severe frosts.

Many farmers have tried to salvage something from their worst season in living memory by cutting crops for hay or turning stock into paddocks to graze on what little growth is there. Many cannot even justify converting failed crops to hay, and some have resigned themselves to not even getting their seed back. Predictions up until June of La Niña conditions led many farmers to sew dry in anticipation of later rainfall to partly compensate for the lack of the early break. They committed to the expense of growing a crop and now face having little or no return.

The expected economic fallout is considerable, with GPSA predicting a 2024 harvest 50 per cent lower than average, possibly worth $2 billion compared with the average of $3.3 billion. The impact will be most keenly felt in farming families and in regional communities. With less income in our towns, people are less inclined or able to spend locally and so all local businesses suffer. Rural businesses, such as machinery dealers, harvest contractors, freight operators, grocery suppliers and other businesses, will suffer a hit in turnover.

Farmers have voiced disappointment with the poor response to date by the Malinauskas Labor government, with a strong sentiment that it is not in proportion to the severity of this drought and the impact it will have on their businesses and their communities. Booleroo Centre farmer, Peter McCallum, has said that grain producers wanted the government to acknowledge there was a drought.

At present, there seems to be some skirting around the issue, despite record low rainfall in many growing regions and partial or total crop failure across many areas of the state. Coomandook farmer Paul Simmons, speaking to the *Stock Journal*, called for the government to '…stop dancing around the "d" word and acknowledge drought is occurring, not just dry conditions'.

To date, Minister Clare Scriven has failed to respond to calls for assistance and simply referred to existing support measures, such as previously committed funding for the FaB mentors program, Rural Financial Counselling and the $1,500 household allowance. There appears to be no new or additional assistance to those affected rural and regional businesses and communities to address the scale of the drought these people are going through and to provide the base recovery. Instead of leadership and commitment, these vital rural businesses are being deflected towards existing measures rather than meaningful targeted assistance that can make a difference.

In contrast, the Victorian government have committed $13.5 million of drought funding towards grain, fodder and water infrastructure grants across 11 local government areas badly affected by this drought. The contrast cannot be clearer. There are many possible types of assistance that can be used or could be used in this state, with the Rural Investment Corporation suggesting that farmers may already qualify for different types of funding assistance.

Farmers have suggested deferral of interest payments or access to low or no-interest loans to see them through. Farmers are not expecting a hand-out but a hand up. Underpinning our food and fibre production capacity in South Australia will effectively be investing in our future. While the impact of the drought is currently being borne by farming communities and families, it can be expected to spread wider in the coming months.

A smaller economy means that people across the state will feel the impact but, most importantly, it means that our farms will have less of the world-class food we produce in this state to stock supermarket shelves. The basic laws of supply and demand dictate that with less food supply food prices are more likely to increase at a time when families are already battling the cost of living. Times like this make us realise that the people in our cities, towns and regions need each other, and there is an urgent need to invest in the future of our farming communities for the benefit of all South Australians. The government must acknowledge this, and they must acknowledge this without delay.

STROKE FOUNDATION

The Hon. C. BONAROS (15:47): Earlier this month I had the pleasure of joining the Minister for Health at an event he hosted here in parliament for the Stroke Foundation, and the opening

address was given by Dr Lisa Murphy, CEO of that foundation. So struck was I by what she shared with us that day that I asked her if I could refer to it in this place.

She enlightened us that the Stroke Foundation is the voice of stroke in Australia. It is a charity that partners with government and the community to prevent strokes, save lives and enhance recovery. She said:

> We stand alongside survivors of stroke, their families and carers, healthcare professionals and researchers to build community awareness and foster new thinking and innovative treatments. We support survivors on their journey to live the best possible life after stroke.
>
> To help inform our work, every four or so years, we commission an independent study into the economic impact of stroke, which leads me to why we're here today—to share with you the cost of stroke to South Australia. In doing this I acknowledge the huge personal cost of stroke survivors, their families and carers and the communities they live in.

As part of that speech, Dr Murphy referred to prevention factors and statistics that apply here in South Australia. Indeed, there are nearly 370,000 South Australian residents living with high blood pressure, and many do not know it; over 150,000 are still daily smokers; over 173,000 have high cholesterol; one in eight are physically inactive; almost a million are overweight or obese; and almost 110,000 have diabetes. All of this is putting them at an increased risk of stroke.

The 2024 report that Dr Murphy spoke of demonstrates the health and economic savings that can be made through focusing on just one of these risk factors, namely high blood pressure. In acute stroke treatment, the Australian stroke sector has developed a set of new 30/60/90 national stroke targets to provide best practice, time critical stroke care for their patients to reduce avoidable stroke-related deaths and disability. The South Australian government has endorsed these targets, and work on initiatives to reach these targets is already underway.

The 2024 report demonstrates that if we reach these targets not only will we reduce millions in health system spending but also save thousands of lives and prevent years of disability for patients. The 2024 report also shows that we have absolutely no time to waste when it comes to stroke. Last year, 3,700 South Australian residents experienced stroke, and there are now 35,000 survivors of stroke living in our community, many with an ongoing disability. Unless we take urgent action, by 2050 figures will continue to grow to an estimated 5,000-plus first strokes annually and more than 55,000 survivors in South Australia alone. Multiply that by the rest of the nation, and I think we all get the gist.

One stroke occurs every 11 minutes in our country. While we have been talking today, one person will have already had a stroke. What many people do not know is that stroke is one of Australia's biggest killers—that was a surprise to me. It kills more women than breast cancer and more men than prostate cancer. Stroke can happen to anyone at any age. It does not discriminate by gender or age, with a quarter of strokes happening in working-age Australians, people just like you and me.

Nationally, strokes cost the Australian economy an astounding $9 billion per year, including the health system, lost productivity and unpaid care costs. Yearly stroke-related expenditure by the NDIS is $1.3 billion, and annual stroke-related healthcare costs have now reached $1.8 billion. These are alarming figures, to say the least, and there are a number of recommendations that have been made in the report on community-based post-stroke rehabilitation therapies, providing the best recovery outcomes for survivors.

If we pair initiatives detailed in the report with best evidence programs, which foundations like the Stroke Foundation are already developing and have developed, then we can absolutely change the trajectory of stroke and make a difference. I am doing my bit today on behalf of the Stroke Foundation to raise awareness of these issues. Hopefully—and at the request of the Stroke Foundation, I am sure—we can all do our best to promote this important cause in this parliament.

WATERAID AUSTRALIA

The Hon. T.T. NGO (15:52): I rise today to speak about an international organisation called WaterAid Australia that is doing great things to make sure all people around the world have access to clean water. I recently attended WaterAid Australia's gala ball in Adelaide. It was an event that

celebrated the organisation's 20 years of providing clean water and improving sanitation and hygiene issues to people living without access to these basic human needs.

To put the organisation in context, Australia was one of the four founding members of WaterAid International, along with the United Kingdom, America and Sweden. WaterAid Australia was originally founded in Victoria, and South Australia played an important role in its establishment. Karlene Maywald, a former minister for water in the Labor Rann government, is currently Chair of the WaterAid Australia board.

WaterAid Australia is now a part of a major international foundation, working alongside six other members—that is, America, Canada, India, Japan, the UK and Sweden. The organisation began its journey funding projects in Papua New Guinea and then Timor-Leste in 2005.

During the past 20 years the organisation has supported water, sanitation and hygiene programs in Bangladesh, Ethiopia, Ghana, India, Malawi, Nepal, Mozambique and Tanzania, with funding from the Australian government. In many of those countries taps, wells and pipes delivering clean water simply do not exist. Even when this type of infrastructure does exist, water supply services are most often not accessible, nor are they made to last.

Consequently, WaterAid continues to remain resolutely focused on tackling three essential issues: clean water, decent toilets and good hygiene. Without all three, people cannot live dignified, healthy lives. A lack of clean water, decent toilets and good hygiene traps people into poverty, often keeping children out of school and adults out of work. In many parts of the world, it is the women and young girls who are given the job of fetching water, which often involves walking long distances leading to negative impacts on their education and ability to work.

WaterAid Australia has launched national campaigns to boost public awareness and government support. I was told a WaterAid Australia fundraising dinner in Sydney raised almost half a million dollars and another in Victoria raised more than $300,000 and here in South Australia we have raised $230,000. This is an organisation that has demonstrated its professionalism and success, growing its fundraising achievements to over $10 million annually.

As I learnt at the Adelaide fundraising dinner, WaterAid has had a profound impact on improving the lives of millions of people. As climate change makes water scarcity more of an issue in many parts of the world, WaterAid is working on helping communities establish and manage sustainable water systems.

The organisation involves each community it works with in every step, from project planning right through to training on maintaining water systems that have been installed. One particular program WaterAid Australia runs is the Grant Hill Graduate Program. This program employs around 30 full-time staff in Australia and 40 staff on funded programs in other countries. The program's collaborative work has helped to deliver clean water and sanitation to people in Cambodia, the Solomon Islands and Myanmar.

WaterAid is working hard to create a world where everyone everywhere has access to clean water, decent toilets and good hygiene by 2030—such basic and essential human rights.

Members

MEMBER'S LEAVE

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:57): I move:

That leave of absence be granted to the Hon. J.M.A. Lensink until 31 December 2024 on account of medical treatment.

Motion carried.

Motions

PUBLIC SCHOOL FUNDING

The Hon. R.A. SIMMS (15:58): I move:

That this council—

1. Acknowledges the release of *A decade of inequity* report commissioned by the Australian Education Union which found:

   (a) public schools in South Australia educate proportionally twice the number of students from low socio-educational advantage backgrounds compared to private schools and 3.5 times the number of First Nations students than private schools;

   (b) under current settings, South Australian public schools will continue to be underfunded by the commonwealth and state governments by $1.8 billion over the next five years, while private schools will be overfunded by $79.7 million;

   (c) every public school student in South Australia will be underfunded by $2,003 in 2024, rising to $2,259 in 2028; and

   (d) on a per-student basis, every private school student in South Australia will receive $598 above their full School Resource Standard in combined state and commonwealth funding this year.

2. Calls on the federal government to increase their share to a minimum 25 per cent of the School Resource Standard funding to ensure South Australian public schools are fully funded.

I think it is disgraceful that South Australian public schools are getting such a poor deal. The Greens have been calling this out not just in South Australia but also nationally. I note an article in yesterday's *Australian* from the private school lobby where they indicated that they will be campaigning against the Greens. Well, of course the private school lobby have an interest in the current funding regime because it operates to their benefit, but it is dudding South Australian public school students of their rightful entitlement and I think it is actually undermining one of the elements that is fundamental to our society and that is this idea that everybody should have a fair go and equal start in life. It is a fundamental thing here in Australia.

Everybody should have a right to free, high-quality education, no matter where they live, no matter what they earn, irrespective of their postcode. The Greens believe that a strong public education system is essential to building a fair, successful and cohesive society. Being able to send your children to a high-quality free public school is not a reality for many South Australians because they are being underfunded. Successive governments have refused to fully fund public schools, which results in overworked teachers, lacking infrastructure and increased out-of-pocket expenses.

Inequality takes many forms, and not being able to afford the materials and services charges or having a school that is not fully funded leads to intergenerational inequality and it makes it very difficult for people to be able to break that cycle. We see investing in our public schools as an investment in our economy, our culture and our society. For many years, the Greens have been campaigning to fully fund public schools. Public schools should be free and they should have enough resources that they need to improve teacher-to-student ratios and upgrade infrastructure and equipment as required.

One of the key issues that I am very passionate about and the Greens have been campaigning on here in this state is scrapping public school fees so that we ensure that public schools are actually genuinely free for parents. We think that is really important in the middle of this cost-of-living crisis. Both the federal government and the state government have a responsibility to fully fund our public schools. All public schools should have the full 100 per cent of the school resource standard, a measure that was defined by the Gonski report over 13 years ago, and yet still our schools are not seeing full funding under that model.

The recent report by the Australian Education Union, titled A Decade of Inequity, demonstrates the inequality between private and public schools, in particular the government funding provided to both types of schools per student. The report finds that in Australia public schools educate more students from low socio-educational advantage backgrounds compared to private schools. In particular, public schools educate double the number of First Nations students than private schools, and public schools educate a higher number of students who are linguistically diverse than private schools.

If we are serious about closing the gap for First Nations people, bringing about an end to poverty and reducing inequality, then we need to get serious about fully funding our public schools. It is ludicrous that we have governments in Canberra that are overfunding private school students while simultaneously underfunding our public school students. What is the point of having fully funded

independent schools that have massive fees that are often beyond the reach of most South Australians when everybody else is being left behind? The AEU report highlights that it has been over a decade since the review of funding for schooling considered the state of school funding and found that, and I quote from that report:

> The cost of this inequity is high, both for individuals who are failing to reach their potential, and for the nation as a whole.

The report highlights the key problem for South Australia: 94 private schools in our state receive greater funding from the commonwealth and state government combined than public schools of a similar size, while hundreds of private schools are funded above their level of need. The AEU provides some South Australian examples of the disparity between schools and the level of government funding.

I will take you through some of those examples because I think they are relevant to this argument. In northern Adelaide, Salisbury East High School receives $17,528 per student, while Tyndale Christian School receives $22,418 per student. If we move down south, Port Noarlunga Primary School receives $13,264 per student, while the local Catholic schools, St John the Apostle and All Saints, both receive over $16,000 per student. What is the rationale for this disparity? One is a public school that is accessible to everybody, and the other is a private school.

In the western suburbs, Seaton receives $17,679 per student, while Mount Carmel College receives $23,604. These numbers clearly demonstrate that something is going seriously wrong with our school funding model. It demonstrates the inequity in government funding. Of course, independent schools have the added benefit of being able to access fees and donations from parents and other sources.

We need to make sure the South Australian students are all given the best start in life, and access to high-quality, affordable education is one of the most important factors in that regard. I ask all members from all sides of politics to consider supporting this motion. It calls on the federal government to increase their funding to our public schools to the full 100 per cent of the school resource standard. Surely all South Australian students deserve that, irrespective of where they go to school.

Debate adjourned on motion of Hon. I.K. Hunter.

PAKISTANI AUSTRALIAN ASSOCIATION OF SOUTH AUSTRALIA

The Hon. J.S. LEE (Deputy Leader of the Opposition) (16:06): I move:

That this council—

1. Congratulates the Pakistani Australian Association of South Australia (PAASA) for reaching the special milestone of their 40th anniversary in 2024;

2. Recognises that PAASA is a pioneering organisation established in South Australia by volunteers to support migrants and international students from Pakistan;

3. Acknowledges the important work of founding members, current and past presidents, committee members and volunteers of PAASA for their hard work, dedication and contributions in delivering 40 years of outstanding community services including information workshops, cultural events, sports and recreational programs for the Pakistani community in South Australia; and

4. Reflects on the many achievements of PAASA over four decades and its important contributions to multicultural South Australia.

It is with great pleasure that I rise today to express my congratulations to the Pakistani Australian Association of South Australia, formally known as PAASA, as they celebrate their 40th anniversary this year. Pakistan is today the world's fifth most populous country with a population of more than 240 million people. Australia enjoys long and growing ties with Pakistan, underpinned by deepening people-to-people links.

Diplomatic relations were established after Pakistan's independence in 1947. Australia has maintained a resident mission in Pakistan since 1948. Australia and Pakistan enjoy a common heritage and shared interests. There are approximately 100,000 members of the Pakistani

community in Australia. They are actively contributing to enrich Australia through academia, cultural exchange, commerce and sports, particularly a shared love for cricket.

Knowing the history and significance of bilateral relations between Australia and Pakistan, PAASA was established as a not-for-profit community organisation to represent the Pakistani community in South Australia, and provides a platform for the opportunities for community members to celebrate their social and cultural values and, at the same time, to recognise that PAASA is a pioneering organisation established in SA by volunteers to support migrants and international students from Pakistan. It is a huge accomplishment for any organisation to still be going strong after 40 years, and PAASA has been doing so by providing necessary service and support to the Pakistani community over the past four decades.

Today, I want to take this opportunity to commend the organisation by acknowledging the current management committee. PAASA is led by Chairperson Abdullah Memon, with Vice-Chairperson Kashif Ashraf and Secretary Nomia Khadim. Abdullah and the committee have been doing a wonderful job, continuing the work of past PAASA committees, and I look forward to seeing what the committee will be will be planning later on for their 40th anniversary celebration in November.

I also had the great pleasure of hosting PAASA committee members in Parliament House recently, alongside other multicultural and community groups, to recognise and celebrate their incredible milestone achievement. In addition to the current committee, PAASA have also had many other individuals who have greatly contributed to the community, both as committee members as well as volunteers and community leaders. These include Khalid Farooqi, Yasmeen Kajani, Masood and Samra Choudhry, Naeema Noori, Siraj ul Haq, Naseem Khokhar, Adeel Sadiq, Kaleemullah, Munsha Tatla, Shahyan Shabbir, Furqan Baig and Umar Memon, who is the immediate past president of PAASA.

I would like to make special mention of Mr Khalid Farooqi, who was the 2023 Governor's Multicultural Awards highly commended finalist in the category of senior volunteer award. Mr Khalid Farooqi in 2014 actually received the volunteer sector award of the Governor's Multicultural Awards for his tireless work in helping new migrants settle into life in Australia.

This special group of individuals have played significant roles in PAASA's work, helping the organisation remain a vibrant and integral part of our South Australian multicultural community. The stories of PAASA's contributions in South Australia began when it was established in 1984, thanks to the pioneering efforts of its founding members and early community leaders, namely Dr Ashfaque Ahmad, Mr Abdul Farooque, the late Shamim Noori and the late Dr Abdul Majeed Kajani.

Those members who are regional members may be aware that the late Dr Abdul Majeed Kajani was a prominent regional doctor based in Port Pirie, and he was one of the first Pakistani migrants to settle in South Australia. He was a well-respected GP, and definitely well-loved by the Port Pirie community. He had dedicated more than four decades to caring for his community. He will always be remembered as a titan of SA's Pakistani and medical communities. Deep condolences to his wife, Yasmeen, and his family.

These visionary individuals I mentioned played pivotal roles in establishing PAASA as a platform for Pakistani migrants and international students in South Australia, fostering unity and cultural engagement within the community. In particular, Dr Ashfaque Ahmad, who arrived in Australia in the 1960s, was instrumental in the establishment of the early Pakistani Association, which evolved into what we know now as PAASA.

Mr Shamim Noori would act as PAASA's first chairperson, and under his leadership the association expanded its reach, organising cultural events and community support programs to assist new migrants in their transition to life in Australia. From this foundation, PAASA now delivers a multitude of services to the Pakistani community, centred around its mission to promote Pakistani culture and values within an integrated and connected Australian community.

PAASA focus their services to accomplish their strategic objectives. From their core mission and list of strategic objectives, PAASA provide a series of services that fill the missing gap from

government and other service providers to ensure that the Pakistani community have the necessary supports to thrive in our state.

This includes support for new migrants, such as job readiness training, and programs to help them understand the Australian culture; overcoming linguistic barriers, social and cultural differences; and addressing employment issues, which are some common problems faced by new migrants. PAASA focuses their support towards helping migrants to find jobs, and also provide other community services, such as the use of their 12-seater van, which is used for transportation of the newly arrived families, and can also be hired out by community members to assist elderly or socially isolated members to transport them to where they need to go.

PAASA was able to purchase the van thanks to the support they received through the 2019-20 Stronger Together Multicultural Grant, which was introduced and delivered by the Marshall Liberal government. Pakistani culture, much like Australian culture, is deeply tied to sports. PAASA recognised the connection between sports and cultural integration and have partnered with the South Australian Cricket Association (SACA) and the South Australian National Football League (SANFL) to help deliver cricket and footy camps for Pakistani youth.

PAASA participated in the Woolworths cricket blast camp, where young kids can learn and play the game of cricket at different levels. PAASA also holds a similar footy camp with the SANFL to give young girls and boys a chance to learn the game and register their local clubs. Additionally, PAASA also run their own intracommunity tape ball cricket tournament, a variation of cricket that is popular in Pakistan, each year, with up to 15 teams now participating in the competition.

On the topic of sports and cricket, I acknowledge Irfan Hashmi and Sobia Hashmi, the Australian Pavilion directors, probably better known for their entrepreneurship in Terry White Chemmart, for their ongoing support to PAASA and their passion for cricket and organising many meet and greet events, including the recent visit by the renowned cricket legend Younis Khan at Adelaide Oval.

Of course, PAASA is also well known for their many cultural events. Throughout the year, as the longest continuous member in the portfolio of multicultural affairs in South Australia, I have had the pleasure to attend many of the events over the years and experience the great hospitality and vibrant culture of the Pakistani community. Among the many events I look forward to attending each year, such as their eat celebration and Pakistan Independence Day festivities is their celebration each year on Australia Day. PAASA always has a strong focus on Australia Day, recognising not only their own cultural celebrations but also celebrating the integration of their community with the wider multicultural community of South Australia.

As part of their Australia Day celebrations PAASA has for many years now participated in the Australia Day parade held by the Australia Day Council of South Australia each year. I also recognise the efforts of PAASA in recent years to strengthen the relationship with other cultural groups, collaborating on events that promote diversity, inclusion and intercultural understanding. The association has successfully organised workshops, recreation activities and programs for youth, families and international students, all of which have further enhanced the integration of the Pakistani community within South Australia.

Once again, I thank PAASA on achieving a magnificent milestone. It is great to have the opportunity to speak about their work and their passion. Well done on a successful 40 years of community service and here's hoping to another 40 years and beyond. With those words, I wholeheartedly commend the motion.

Debate adjourned on motion of Hon. I.K. Hunter.

NATIONAL MULTICULTURAL MENTAL HEALTH MONTH

The Hon. M. EL DANNAWI (16:18): I move:

That this council—

1. Acknowledges that October is National Multicultural Mental Health Month;

2. Notes that Multicultural Mental Health Month celebrates the rich cultural diversity of Australia while promoting mental health awareness and support within multicultural communities;

3. Recognises that many Australians from culturally and linguistically diverse backgrounds are subject to the stigmatisation of mental health, racism and discrimination, stresses of migration and adjustment to a new country, trauma exposure before migration, barriers to the utilisation of their skills and education, loss of close family bonds and language barriers;

4. Acknowledges the importance of equal access to mental health services for all Australians; and

5. Commends the many South Australian individuals and organisations who work to destigmatise mental health issues in multicultural communities and provide culturally appropriate care.

I am pleased to be able to bring this motion before the parliament today in recognition of Mental Health Month, which is celebrated during October. Multicultural Mental Health Month celebrates the cultural diversity of Australia, while promoting mental health awareness and support within multicultural communities. It is fair to say that we live in a world that is more accepting, informed and open about mental health than it has ever been before. However, the unique struggles that multicultural groups face in Australia are often under-represented when we talk about mental health.

Australia is a proudly multicultural country, made up of people from more than 200 nations around the planet; 30 per cent of our population migrated here and almost half of all Australians are either born overseas or have at least one parent born overseas. In South Australia we acknowledge the contributions migrant communities have made to our state, and we love celebrating their culture, cuisine and languages. During my time in this role so far I have been blessed to be able to celebrate and share in the culture of so many different communities, something I am sure everyone in this chamber has had the opportunity to do in their role as a member of the parliament. There is so much to appreciate, and there is so much colour, music and life to get carried away by. The night ends with smiling faces and good memories of kind people who are rightly proud of their culture.

But the essence of multiculturalism and interculturalism extends beyond admiring one culture or cuisine. It goes deeper than attending a party or festival. These values encompass understanding and respect, and if we really want to understand we need to go beneath the surface. We need to allow people to share their stories, and not all those stories will be pleasant. They are sometimes stories of struggles, of trauma, of discrimination and injustice. We want our migrants and refugee communities to feel at home in Australia and to continue enriching our society. For this to happen we need to understand the unique challenges our migrant and refugee communities are faced with.

It takes enormous courage to start a life in a new country, whether you come as a refugee or a migrant. New arrivals to the country often experience a period of culture shock as they adjust to the new environment. A feeling of disorientation and anxiety arises because people must cope with a different language, unwritten rules of behaviour, social structures, political and legislative processes and other aspects of daily life. While the culture shock is not permanent, the period of adjustment can be extremely difficult and cause a significant amount of stress.

As the new arrivals learn the language and adapt to life in Australia other challenges will reveal themselves. They may have to deal with unemployment and limited opportunities to fully utilise their professional skills. They may have to deal with the lack of access to education, services or suitable housing. They may experience racism and discrimination. They will experience pain from separation from their friends and family that remain in their country of origin.

Children and young people may face a change in their family dynamic as they become more proficient in Australian society than their parents. This has the potential to create a generational conflict for both parents and child. If the person who has migrated has come from a conflict or trauma background they must find a way to process that on top of all the new stressors that come with adapting to a new culture. And all these pressures can lead to poor mental health.

Many of these mental health issues will go unaddressed due to barriers to access proper and appropriate care, barriers that include greater stigma around mental illness in some communities, language barriers, cultural misunderstandings and limited knowledge of mental health and available services when compared with the Australian-born population.

As a direct result of this Australians from culturally and linguistically diverse backgrounds are over-represented in involuntary admissions and acute inpatient units. Once there, these Australians are at risk of misunderstanding and misdiagnosis, often because of language and cultural barriers.

Although progress has certainly been made in recent years the reality remains that migrant communities are often underserved by mental health services.

Our mental health systems have some mechanisms to promote cultural responsiveness, but we still have limited ways to determine if there have been improvements in mental health outcomes for multicultural communities over time. There are also considerable gaps in data and information on the prevalence of mental illness in people from multicultural backgrounds. National Multicultural Mental Health Month gives us another opportunity to reflect as a society on how we can come together, reduce stigma and promote inclusive mental health services for all.

During my time in parliament I have had the opportunity to meet with community-led organisations and individuals who with different approaches advocate to inform existing policies and deliver programs that tackle the stigma of mental health within our multicultural communities. This positive work is being done by people in the community who understand diverse needs. They are responsive to the problems they see around them. They make me hopeful for the future.

As a token of appreciation, I would like to acknowledge the wonderful work of some of the groups and individuals. The Multicultural Communities Council of South Australia have been serving the ever-changing needs of migrant communities since 1949 through different programs, initiatives and advocacy. The Australian Migrant Resource Centre has helped over 150,000 migrants to adjust to life in Australia since 1979. They help migrants to become independent and develop links within the broader South Australian community. This is a powerful way to help combat alienation and isolation.

Supporting survivors of torture and trauma is STTARS, which provides culturally sensitive services to promote the health and wellbeing of those who have suffered torture or refugee-related trauma prior to their arrival in Australia. Multicultural Aged Care advocates and informs community, business and government about culturally appropriate aged care. As our population ages, so too do our multicultural citizens. Conditions such as dementia are on the rise. It is essential that older people from culturally and linguistically diverse backgrounds can access an equal standard of care.

One Culture promotes inclusion through sports. They empower people of all cultures and abilities to participate in their local communities. They use sport to bring people closer together to combat antisocial behaviour and isolation. The positive outcome of their programs on multicultural youth is incredible, and the good vibes and energy of their events cannot be matched.

Another organisation I have had the pleasure of meeting recently is Mariposa Trails. Mariposa Trails promotes wellbeing and mental health through a cross-cultural approach and are dedicated to suicide prevention. They work by the motto: 'We are all vulnerable at different times. We are all teachers and students at different times.' They build capacity within the community to deal with the issues directly affecting the community through diverse and innovative programs.

During Multicultural Mental Health Month, Mariposa Trails hold a morning of workshops called the Alegria Festival, which I was fortunate to be able to attend this year. I witnessed firsthand how they create an atmosphere of warmth and safety where it is easy to laugh and open up. They use art therapy, dance, movement and music to create a shared experience where people feel safe enough to ask for the help they need and start to address their trauma.

Last but not least, we have no shortage of wonderful individuals who are working in research and private practice to serve members of our multicultural communities. One such person is Professor Tahereh Ziaian, whose research on cross-cultural mental health and youth settlements provides a platform for policymakers and practitioners to better understand the settlement experience. Her research addresses key questions regarding the intersection of migration, settlement and wellbeing.

Professor Ziaian and her team of researchers at UniSA know what to ask and how to ask it. Her research ensures that we have better information to help us inform policy decisions and programs in the future and improve the responsiveness of services. All of these groups and people demonstrate the importance of having multicultural voices at the table to help guide and inform the policy and services that will assist them.

If you asked Professor Tahereh about what drives her, she would say that it is the desire to leave the world a better place than she found it for the young people who are coming after her. I think that is an inspiration we can all relate to in this place. I commend the motion to the chamber.

Debate adjourned on motion of Hon. D.G.E. Hood.

Bills

BIRTHS, DEATHS AND MARRIAGES REGISTRATION (BIRTH CERTIFICATES) AMENDMENT BILL

Introduction and First Reading

The Hon. R.A. SIMMS (16:29): Obtained leave and introduced a bill for an act to amend the Births, Deaths and Marriages Registration Act 1996. Read a first time.

Motions

LOWER MURRAY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:30): I move:

That this council—

1. Notes its concerns with the federal Labor government's plans to list the Lower Murray as a threatened ecological community as part of the Environment Protection and Biodiversity Conservation Act 1999;

2. Acknowledges that previous South Australian Labor water ministers have rejected earlier proposals to include the Lower Murray in the Environment Protection and Biodiversity Conservation Act 1999;

3. Recognises that inclusion in the Environment Protection and Biodiversity Conservation Act 1999 will not provide greater environmental protection to species or habitats along the Lower Murray as species and habitats involved are already protected under that act; and

4. Notes that the inclusion of the Lower Murray in the Environment Protection and Biodiversity Conservation Act 1999 will only add more red and green tape to river communities.

I rise today to discuss a pressing issue regarding the federal Labor government's proposal to classify the Lower Murray as a threatened ecological community under the Environment Protection and Biodiversity Conservation Act 1999 (otherwise known as the EPBC Act). This proposal, whilst Labor might spruik that it is well intentioned, raises serious concerns that we must address thoroughly.

First and foremost, we must express our concerns as a Liberal opposition about this proposal. The federal government seeks to list the Lower Murray, which includes significant riverine and flood plain ecosystems, as a critically endangered ecological community. Whilst the intent to protect our environment is commendable, we must consider whether this classification will effectively achieve that goal.

The core of our argument lies in the understanding that the species and habitats within the Lower Murray are already protected under existing legislation. This redundancy calls into question the necessity of additional classifications that may not provide any real benefits but instead complicate existing regulatory frameworks.

It is essential to acknowledge the historical context surrounding this proposal. Just prior to the federal election in 2013, the then Labor federal government pushed through regulations for the inclusion of the Lower Murray in the EPBC Act. However, when the Coalition government took office, a disallowance motion was successfully passed, emphasising two key points:

- the potential for increased bureaucratic hurdles, or 'red and green tape', that would impede development in the region; and
- the existing protections already in place that were deemed sufficient to safeguard the environmental health of the area.

Previous South Australian Labor water ministers have assessed and ultimately rejected similar calls for inclusion in the EPBC Act. In fact, it was the Hon. Ian Hunter in this place who rejected the proposal back in 2013.

These decisions were based on comprehensive evaluations indicating that the existing protections were adequate for preserving the ecological integrity of the Lower Murray. The arguments presented during that time remain relevant today, and we must carefully consider the implications of this new proposal in light of that history.

It is crucial to remember that the species and habitats along the Lower Murray are already safeguarded under various frameworks, including the Murray-Darling Basin Plan. This plan represents a bipartisan agreement aimed at sustainable management of our nation's largest river system. It imposes stringent limits on water extraction to protect the vital ecosystems supported by the river and its flood plains.

The recent amendments to the Water Act 2007, collectively known as the Water Amendment (Restoring Our Rivers) Bill 2023, reinforce these protections. This legislative framework not only recognises the ecological significance of the Murray-Darling Basin but also provides for the ongoing health of our water resources.

The Murray-Darling Basin Authority plays a vital role in overseeing this management, ensuring that all stakeholders work collaboratively towards common goals. The upcoming 2025 Basin Plan Evaluation is set to assess our progress and identify further areas for improvement. Any attempt to classify the lower Murray under the EPBC Act before this comprehensive review is, at best, premature.

One of the most significant concerns around the inclusion of the Lower Murray in the EPBC Act is the anticipated increase in bureaucratic hurdles, often referred to as 'red and green tape'. This issue is not merely a matter of inconvenience; it has real consequences for the communities that depend on the river for their livelihoods and wellbeing.

Local residents and businesses face a challenging landscape when it comes to obtaining the necessary approvals for development projects. The processes involved in securing EPBC Act approvals can be arduous, time-consuming and financially burdensome. For example, a recent select committee hearing revealed that SA Water had to abandon plans for a critical desalination plant at Sleaford West and one of the reasons was because the EPBC Act approval process was deemed too lengthy and expensive. I will repeat that again: the process of gaining EPBC Act approvals was deemed too arduous for SA Water to deal with, so imagine the implications and barriers for regular residents and businesses.

This situation will create inequities between communities along the river and those in metropolitan areas where development processes are much more straightforward. The imposition of additional regulatory requirements will only exacerbate these disparities, leaving river communities feeling marginalised and frustrated.

Given these concerns, I am calling on the Malinauskas Labor government to follow the precedent set by its predecessors and reject the current push for the Lower Murray to be included in the EPBC Act. We must prioritise solutions that promote environmental protection, whilst respecting the rights and needs of our local communities. We should advocate for localised approaches to conservation that empower communities rather than impose blanket regulations.

By recognising the unique circumstances of the Lower Murray and leveraging existing frameworks, we can achieve effective environmental stewardship without adding unnecessary layers of bureaucracy. For instance, programs that promote sustainable agricultural practices, water efficiencies and habitat restoration can yield positive outcomes for both the environment and the local economy. Community-led initiatives that foster collaboration between stakeholders, farmers, environmental groups and government agencies can and do ensure that conservation efforts are tailored to the specific needs of the region.

It is also crucial to understand that broader classifications like the EPBC Act can dilute the focus of conservation efforts. Allow me to set out an example. The Murray cod, one of Australia's largest freshwater fish, is already classified as a vulnerable species under the EPBC Act. Including the entirety of the Lower Murray in the EPBC framework may hinder targeted conservation strategies for this species by stretching resources too thinly across a larger area. Conservation efforts should be directed where they can have the most significant impact. By concentrating our resources on

specific high-priority areas and species, we can maximise our effectiveness and enhance the resilience of our ecosystems.

In conclusion, whilst the intention behind the federal Labor government's proposal to include the Lower Murray in the EPBC Act may be rooted in a desire for environmental protection, we must critically evaluate its implications. The decisions made both in this place and in our federal parliament matter and they matter more than just a newspaper headline. They have real-world implications on people's lives. The existing protections provided by the Murray-Darling Basin Plan are already substantial and additional classifications may only serve to complicate an already intricate regulatory landscape. We must heed the lessons from history, recognise the burdens of red and green tape and advocate for policies that empower local communities while safeguarding our natural resources.

So, therefore, I urge the Malinauskas Labor government to reject this proposal and prioritise a more balanced approach to environmental protection, one that acknowledges the unique circumstances of the Lower Murray and respects the rights and the needs of its residents.

Debate adjourned on motion of Hon. J.E. Hanson.

Bills

PUBLIC FINANCE AND AUDIT (FOSSIL FUEL SPONSORSHIPS) AMENDMENT BILL

Introduction and First Reading

The Hon. T.A. FRANKS (16:38): Obtained leave and introduced a bill for an act to amend the Public Finance and Audit Act 1987. Read a first time.

Second Reading

The Hon. T.A. FRANKS (16:39): I move:

That this bill be now read a second time.

It is an absolute pleasure to introduce this bill today, the fossil fuel advertising prohibition bill. It is timely that we do this. We are in a changed and still changing climate. Every decade since 1950 has been warmer than the last—every single one—and, globally, September 2024 is on track to be the 14th hottest consecutive month on record and temperatures are indeed steadily rising.

Across Australia, more frequent and more destructive bushfires and floods are starting to form the fabric of our everyday lives, impacting not only those who are directly affected but also our first responders and those who support survivors through the long-term consequences of these events. Carbon dioxide levels are at their highest in at least two million years and levels of other greenhouse gases such as methane and nitrous oxide, far more powerful at trapping heat than CO_2, continue to rise.

A hotter climate, bushfires and floods which devastate lives, livelihoods and flora and fauna, are the proven consequences of our continued use of fossil fuels. We need to face facts: fossil fuels have had their day. Governments have declared climate emergencies and individuals, communities and small businesses and so many more are working to reduce their carbon emissions, yet fossil fuel advertising continues unabated in South Australia.

These big corporations, which really sell their products directly to the general population, see their sponsorship of sport and arts as a way of buying that ongoing public support for their operations, which they do not currently have but they are sports washing and arts washing their way into continuing to hold a social licence. Allowing them to continue advertising normalises the continued use of fossil fuels, it reinforces existing patterns of behaviour across the community, and it undermines the sense of urgency in implementing the behavioural changes. It flies in the face of our state's 2022 declaration of a climate emergency to continue to allow fossil fuels to sports wash or arts wash their way through to the South Australian public, funded by the South Australian citizens.

Many sports organisations across Australia have already got clearly stated aims to reduce their carbon footprint and to promote positive action on the environment. Individuals, too, are using their public profiles to put fossil fuel sponsorship under increased public scrutiny. Climate repair advocate Pat Cummins spoke out in 2022, using his high profile to effectively end the sponsorship of the Australian men's cricket team by Alinta. Whilst he had felt uncomfortable about Cricket

Australia's relationship with Alinta right from the start, Cummins felt able to speak out only when the team was performing well.

The core activities of fossil fuel corporations continue to impact our climate and our wellbeing. The health impacts alone are devastating. At a time when community involvement in sporting activities is looked to by many to mitigate the mental health impacts of climate change, these much-needed sporting activities are themselves being co-opted as they are being impacted by a warming climate. Climate change is not selective about who it impacts: both elite and community sports are affected, and we know that children playing community-level sports are amongst the most vulnerable.

By 2024, heatwaves in Melbourne and Sydney could reach highs of 50° Celsius, threatening the viability of course of internationally recognised events, such as the Boxing Day Test or the Australian Open. Significant economic factors will be felt if changed behaviour sees spectators stay home to watch rather than attend in person. Even greater economic impacts of course will be felt when the events are postponed or cancelled completely.

Climate change not only poses significant threats to participant health, we are also seeing it drive longer, more intense bushfire seasons, which expose both participants and spectators to dangerously high levels of air pollution. It is not just sport and the millions of people who view and identify with sport who are suffering. In 2022 alone, 20 music festivals were cancelled across Australia due to extreme weather.

Australians are increasingly wising up to what is going on and 60 per cent of us see fossil fuel sponsorship as the new cigarette advertising. A majority want to see fossil fuel sponsorship right out of sport, as was the case with alcohol and tobacco advertising in the past. Increased public scrutiny is making an impact but it is not doing so quickly enough. Research shows that banning fossil fuel advertising can contribute to community recognition of that harm. It is also an important social tipping point, an intervention that is a small change but it can trigger systemic intervention.

Fossil fuel corporations choose to sponsor sport as a means of continuing their social licence to operate. They do it because it is good for their business. We must break that business model. This is in spite of the fact that they do not sell their products directly to the general population. It is important for them to be associated not only with the detrimental impacts of their industry but also that they not be associated with the things that people enjoy, such as sport, festivals and the arts.

The value of a professional sports team to fossil fuel companies is not to be underestimated. That is why 73 per cent of coal, gas and oil mining energy providers or distributor partnerships are associated with professional sports teams. Sport, clearly, however, has the upper hand. Corporate sponsorship from the fossil fuel sector can be replaced over time but it is hard to see how fossil fuel corporations can ever possibly replace the benefits that they are deriving from their sponsorship of sports. Fossil fuel corporations desperately need those professional sports and are unlikely to choose to walk away from this relationship voluntarily.

In 2019-20, Santos alone was responsible for approximately 28.6 million tonnes of CO_2 equivalent from the end-use of the natural gas it supplied. It is easy to see why fossil fuel corporations would want ordinary Australians, ordinary South Australians, to remember them fondly in connection with something more positive than their destructive emissions. Being connected to a positive activity is very strategic: 77 per cent of Australians describe themselves as sports fans. Just as has been the case in the past, regulatory change for sports sponsorships and state sponsorships will positively impact community attitudes and expectations, and it will change behaviour.

Sport in itself is highly resilient with a history of successfully moving away from corporate sponsorships that have brought reputational risk with them. Tobacco and alcohol have both faced regulatory control of their use of sport as a promotional platform. Regulatory change was effected because of public concern about the detrimental impacts that they have on the health and wellbeing of individuals and of communities.

This bill will ensure that should the Tour Down Under continue to be a major event of this state, it would need to dump Santos as a sponsor. It outlines those fossil fuel entities and operations that would no longer be able to sports-wash or arts-wash or green-wash their rightly sullied reputations. It would stop our state from engaging in the hypocritical acts that it currently does, where

we declare a climate emergency in 2022 and then continue business as usual and have our clean, green major cycling event every summer sponsored by Santos. It stinks.

That is why this bill would provide a very simple way to address what is a very serious issue. It gives the government a way forward. It ensures that fossil fuel activities would no longer enjoy the benefits of being promoted and associated with state-sponsored events where South Australians, quite rightly, feel good about those events.

Santos knows that the writing is on the wall. Santos itself, in its own community grant eligibility checklist document, which is available on their website under the Community Investment Framework Vision 2040 application form, states to those who seek to partner with Santos, whether they are small community groups or larger organisations or individuals—it gives them a warning, and it says:

> From time to time, Santos and our community partners may be the target of activism related to our operations (e.g. protests at events or correspondence for activist groups). Please make sure your organisation/group Management and/or Board have considered and accepted the potential risk associated with activism.

So Santos are aware that their reputation will, rightly, bring what they call activism, what I would call advocacy for a safe planet, and they are aware of the dangers of being associated with Santos. Unfortunately, our state government does not seem to understand those dangers, and the hypocrisy of this state when it comes to partnering with these fossil fuel entities, and we continue on our merry way of allowing major events in this state to sportswash fossil fuel entities.

We have seen wonderful—what Santos would call activism, and I would call advocacy—advocacy from teams such as the Diamonds, Australia's netball team, that dumped Hancock Prospecting from their sponsorship. In 2021, a deal between Santos and Tennis Australia was dumped just one year into a multi-year agreement, because Tennis Australia was a signatory to the UN Sports for Climate Action network, and realised the folly of that dopey deal that they had signed themselves up to. You cannot talk the talk without walking the walk.

This government has declared a climate emergency. This parliament supported that in both houses in 2022. It is time for the Malinauskas government to come clean with the people of Australia, and stop allowing fossil fuel companies to sportswash or artswash their way, with the support of public money and public goodwill through public events in this state that are funded publicly, to continue. To allow the sportswashing of companies such as Santos cannot continue to be condoned by this parliament.

I hope that this vote and this bill, when we do take it to a vote, will be an opportunity for the Malinauskas government to use a tool easily at its disposal through the Auditor-General's arrangements to ensure that going forward—even if a fossil fuel company such as Santos, or so many others, wishes to associate and sportswash its way out of its rightly sullied reputation—that it will not be able to do so with naming rights or logos, or the very reasons that they opt in for these sponsorship and advertising deals, the goodwill that comes with being associated with 'good' events. This has to end. And South Australia would not be leading the way if we were to do this. Indeed, there are over 40 places across the world that have already either banned fossil fuel advertising or sponsorships in whole or in part.

The ACT here in Australia banned fossil fuel ads on light rail in 2015. And across Australia we have seen places such as the Blue Mountains, Byron Bay, Charles Sturt, Darebin, Fremantle, Glen Eira, Inner West, Lane Cove, Maribyrnong, Merri-Bek, Mitcham, Northern Beaches, Sydney, Waratah-Wynyard, Wingecarribee and Yarra take climate action and cut their ties to fossil fuel sportswashing, greenwashing, artswashing, allowing them to promote themselves to the public in a way that seeks to continue their business model. That is already in Australia. South Australia could be the first state to take that sort of action, and follow the lead of the ACT.

Globally, however, we have seen in the Netherlands Amersfoort, Amstelveen and Amsterdam, Basingstoke in the UK, Bern in Switzerland, Bloemendaal in the Netherlands, Cambridge in the UK, Coventry in the UK, Deane Borough in the UK, Eindhoven in the Netherlands, Edinburgh in the UK, Enschede in the Netherlands, France—right across the entire country, Groningen in the Netherlands, Grenoble in France, Haarlem in the Netherlands, Lancy in Switzerland, Leiden in the Netherlands, Liverpool in the UK, Lyon in France, North Holland in the

Netherlands, North Somerset in the UK, Nijmegen in the Netherlands, Norwich in the UK, Sao Paulo in Brazil, Sheffield, Somerset in the UK, Stockholm in Sweden, Tilburg in the Netherlands, Toronto in Canada, Utrecht in the Netherlands, Vevey in Switzerland, Zwolle in the Netherlands and, of course, The Hague, take this sort of action.

We have heard this week that South Australia wishes to host COP31 in 2027. What an embarrassment it would be to have the conference of parties, some 197 countries, attend that COP31 and still have our state allowing fossil fuel companies to sportswash their way. Would we perhaps have COP31 sponsored by Santos was a question a journalist put to me this week. I would certainly hope not, but unless this state starts to get real about actually taking climate action and, as I say, not just talks the talk but walks the walk, and does so by withdrawing the opportunities of public goodwill and public cash being used to greenwash these companies into the future, we will be an international embarrassment.

Forty places of those 197—and now also The Hague, if you add that, to make 198, where they have also recently announced a ban that will soon be implemented—have already taken this climate action. No doubt more will have by the time we get to 2027. This bill allows the Malinauskas government to put in a bid for COP31 that will not be seen as hypocritical, but also it will be doing the right thing and the thing that South Australians expected us to do when we declared a climate emergency in this state. It will keep the Malinauskas Labor government's promise for them in that, when you declare a climate emergency, you actually treat this as the emergency is and you throw everything you have at ending the harm being caused. We cannot allow these fossil fuel entities to continue to greenwash their way with the blessing of our government events.

With that, this is a very simple bill, tackling a very large issue that will go a long way to showing the public of South Australia where the true commitment lies in terms of this declared climate emergency. With that, I commend the bill.

Debate adjourned on motion of Hon. I.K. Hunter.

Motions

FINANCIAL SUSTAINABILITY REVIEW REPORTS

The Hon. T.A. FRANKS (16:58): I move:

That there be laid upon the table of this council, within 21 days of the passing of the resolution by the Leader of the Government, the two reports prepared by Mr Mark Priadko from 2011-12 titled 'Financial Sustainability Review Reports' in relation to the South Australian Museum and the Art Gallery of South Australia, respectively.

This is a very simple motion and it comes to us through the Statutory Authorities Review Committee, which is currently undertaking an inquiry, as members will be well aware, into not only the South Australian Museum but also the Art Gallery of South Australia.

I bring this motion to this council today which is in effect a motion for an order for the production of documents. I do so with cognisance that these documents are indeed cabinet papers. Of course, normally one would not be able to access cabinet papers and documents, but we have a 10-year rule in this state now, and we are told not just as the Parliament of South Australia but the people of South Australia that after 10 years cabinet documents can be accessed and made public, usually and typically by an FOI, a freedom of information request system.

Once they are made public they are also usually and typically able to be accessed on the website of the Department of the Premier and Cabinet by anyone who chooses to read those documents. They do make both mind-numbingly boring and also quite interesting reading, having been someone who has trawled through those documents.

The Statutory Authorities Review Committee wrote in July this year to the Department of the Premier and Cabinet, asking for these particular documents to be given to the Statutory Authorities Review Committee for our inquiry into the Museum and the Art Gallery, assuming that, given we were beyond the 10-year rule, they would be able to be accessed by a parliamentary committee for a relevant inquiry.

At first we received a response from the DPC saying that we could not have them because they were cabinet documents. We pointed out to DPC that there was a 10-year rule. It is not quite

the two-second rule; it is the 10-year rule. Upon acknowledging after many months that there was a 10-year rule and that indeed we were quite within our rights to ask for these cabinet documents, the committee this week received in correspondence a freedom of information request form to fill out to access said documents.

I note, of course, that members of parliament can have waived the I think it is $42 or thereabouts fee, but in the committee we had a little discussion and noted that we were not quite sure who was the entity that would fill out the freedom of information request form that so generously had been offered to us by DPC for documents that they simply should have sent our committee. So I moved—and the committee supported the motion—that we bring it here to the Legislative Council not only to establish an understanding with the Department of the Premier and Cabinet that there are rules that one must follow with regard to access to documents and requiring them to be made public after 10 years in terms of cabinet documents but indeed the ludicrous nature of their offer to us to fill in a freedom of information request.

That was something I could have done in July this year had I chosen to do so, but I had figured that the Department of the Premier and Cabinet would take this seriously enough to provide a parliamentary committee with the information we need to undertake our important work on these two important cultural institutions with the support of the government and the department of the day.

It is extraordinary that I have to bring this motion to this place, but I do so because this place needs to hold governments, whoever they are, whichever colour they are, to account, and the parliament should be supported in doing our important work and not presented, firstly, with a refusal to provide us with the information which should be publicly available in the first place and, secondly, with some bureaucratic paperwork to fill in when quite clearly there is no person actually able to fill in that paperwork on behalf of the committee in a reasonable way.

Quite simply, I will be taking this to a vote in the next week of sitting. I will obviously alert members to that via email. But 21 days later or hopefully earlier I would hope that not only does the council receive these documents but also that the Statutory Authorities Review Committee receives these documents. With that, I commend this motion to all council members who are democracy loving.

Debate adjourned on motion of Hon. I.K. Hunter.

POLISH WOMEN'S ASSOCIATION IN ADELAIDE

The Hon. J.S. LEE (Deputy Leader of the Opposition) (17:05): I move:

That this council—

1. Congratulates the Polish Women's Association in Adelaide (Kolo Polek) for reaching the special milestone of their 70th Anniversary in 2024;

2. Recognises the Polish Women's Association in Adelaide as the oldest Polish women's association in Australia;

3. Acknowledges the important work of pioneering Polish women, founding members, current and past presidents, committee members and volunteers of the Polish Women's Association for their hard work, dedication and contributions in delivering 70 years of outstanding community service in South Australia;

4. Commends the Polish Women's Association for their charitable contributions and philanthropic endeavours, particularly through their support of local charities and aged-care services for elderly members of the Polish community;

5. Acknowledges the remarkable work by Kolo Polek in compiling the 70th Anniversary Exhibition that showcases the history, legacy and memorabilia that demonstrate the strength, determination, compassion and spirits of Polish women over the last 70 years; and

6. Reflects on the many achievements of the Polish Women's Association over the seven decades and recognises the impact of the Polish Women's Association and its contributions to enrich multicultural South Australia.

It is a great honour to recognise today in parliament the 70th anniversary of the Polish Women's Association in Adelaide, also known as Kolo Polek. Translated literally, Kolo Polek means 'circle of

Polish women'. It is a wonderful image that perfectly captures the sense of community and solidarity that has defined the Polish Women's Association in Adelaide for seven remarkable decades.

As a first generation migrant woman and shadow minister for multicultural affairs, having served continuously in the multicultural affairs portfolio since 2010, I am incredibly proud that Kolo Polek was the first association established for Polish women in Australia. The association has a fascinating and moving history that I will delve into more deeply in a short moment, but first I wish to express my sincere congratulations to all those who have contributed to the incredible legacy of the Polish Women's Association in Adelaide.

I would like to give a very special mention to Gosia Skalban OAM, the current president of Kolo Polek, for her longstanding contributions to the Polish community and our wider multicultural community. Gosia was awarded the Order of Australia medal in 2005 for her outstanding service to the community, particularly through her involvement with multicultural and aged-care organisations, and she served on the South Australian Multicultural and Ethnic Affairs Commission for 14 remarkable years.

Gosia has also been recognised by the Polish government for her service to the Polish community of South Australia, being awarded the Gold Cross in 2000 and the Commander's Cross of the Order of Merit of the Republic of Poland in 2009. I would also like to acknowledge the exemplary leadership of the past president, the late Irena Malecka, who served in that role for 12 years and sadly passed away in 2019. Her contributions and memories will forever live in the hearts and minds of the Polish community.

My sincere thanks also go to all the hardworking committee members and volunteers, whose dedication, compassion and generosity are the hallmark of the Polish Women's Association in Adelaide. Kolo Polek is renowned throughout the multicultural community for their charitable contributions and philanthropic endeavours, which go back to the very foundation of the association in the early 1950s.

Soon after arriving in South Australia as displaced persons from Germany in the chaotic aftermath of the Second World War, a small group of Polish women came together to begin supporting those who were going through hardship and who had not been lucky enough to find a new home in Australia. It was a dark time in history. Thousands of Poles who did not meet the strict medical requirements for migration to Australia remained stranded in displaced person camps, facing dire circumstances with scant prospects in postwar Europe.

With little or no English and facing their own struggles as they tried to settle into their new home and overcome the trauma of war, these strong, pioneering and compassionate women began sending parcels of food and clothing to Poles still stranded in West Germany. This incredible group of women sent approximately 190 care packages each year, supporting single mothers and large families with food and medical packages in the first of many of Kolo Polek's social support programs. A women's committee attached to the Polish Association was established in June 1953 to formalise these philanthropic efforts, and it was not long before an independent organisation was established in February 1959 under the name Kolo Polek.

Members of Kolo Polek not only supported Poles in Europe, under the guidance of Father Jozef Kuczmanski, they also soon began visiting and supporting Polish patients in Parkside Mental Hospital, Northfield Mental Hospital, Enfield Receiving House and Bedford Park Hospital. At Christmas and Easter, Polish hospital patients received small packages of treats, such as fruit, chocolates, cakes and reading materials to bring some cheer to the wards. Kolo Polek also organised several Christmas parties for local children, including those in the Polish orphanage in Royal Park. In 1954, over 300 children attended the Christmas party held in the Botanic Gardens, with each child receiving a handmade toy and sweets.

The women of Kolo Polek proved to be very entrepreneurial in their fundraising efforts, raising funds by preparing buffet dinners at dances and festivals organised by other Polish organisations, hosting their own dances, holding lotteries and even becoming the local representative for a pharmacy based in London, which enabled them to collect the agent's fees to fund their activities.

We deeply respect the Polish Women's Association for their charitable work and benevolent support of so many local community and charitable organisations throughout its history. One particularly important example is the fundraising provided by Kolo Polek towards the establishment of the first Dom Polski Centre in Woodville in the 1960s. It was an honour to recognise the 50th anniversary of the Dom Polski Centre earlier this year, and it is important to note that the Dom Polski Centre was made possible by the support of other Polish organisations, including the Polish Women's Association.

Kolo Polek also established strong contacts with many other local charities and welfare programs, including the Apex Club, the Good Neighbour Council (which later merged with the United Ethnic Communities of South Australia to become the Multicultural Communities Council of South Australia), the Catholic Immigration Centre, YWCA and Migrant Resource Centre, among many others.

Since the 1980s, the Polish Women's Association has also been instrumental in supporting aged-care facilities serving Polish community members, particularly the St Teresa residential facility and the John Paul II Village, where they also organise Polish cultural celebrations for residents each year.

When the Polish crisis in 1980-81 saw economic hardship sweep through the country, Kolo Polek participated in the Australian appeal called 'Help Poland Live', contributing to the millions of dollars raised across the country with thousands of care packages sent to help those suffering in Poland.

Well known for their delicious baking, members of Kolo Polek have supplied delicious honey cakes, babki, pastries and pierogies for trading tables at the 'Dozynki' Polish Harvest Festival and hundreds of other cultural events over the decades. Members contributed their favourite recipes to a special cookbook titled *Polish Cooking in South Australia*, which was published in 1996 with a foreword by former Premier of South Australia, the Hon. Don Dunstan AC QC. This cookbook contributed to the multicultural culinary melting point that our state is so proud of, and the book was so popular that it was reprinted in both 2004 and 2016. It was a heartfelt way for community members to pass on their traditional Polish recipes for future generations and was a first taste of Polish cuisine for many South Australians.

The Polish Women's Association have also proudly promoted Polish culture and traditions with the wider community over the years, participating in numerous fairs, fundraising events and competitions with their famous stalls stocked with delicious cakes and pastries, handmade Christmas decorations and adorable dolls in traditional Polish costumes.

Kolo Polek has always maintained strong connections with other women's associations in our state, contributing towards advancing a fair, equitable, respectful and diverse society. It was wonderful to learn more about this legacy of compassion and community spirit in the 70th anniversary exhibition that was compiled by Kolo Polek members and proudly on display at the Polish Women's Association 70th anniversary luncheon held on Sunday 15 September 2024. The anniversary exhibition showcased many stories of the fundraising initiatives and social welfare services undertaken by the Polish Women's Association over the last seven decades and charted the evolution and continuation of the founding members' humanitarian vision.

It was a great privilege to attend the 70th anniversary luncheon on behalf of the Liberal Party to pay tribute to the enduring strength and community spirit of the Polish Women's Association. It was very befitting that the luncheon was held at the Dom Polski Centre given the close connections of the two organisations and it was incredibly heartening to see so many leaders of the Polish and wider multicultural communities attend the celebration.

Volunteers are truly at the heart of this inspiring organisation, and I want to again express my deep appreciation to current committee members and supporters who generously give their time and efforts in service of the community and who contributed to the anniversary exhibition and celebration.

As we reflect on the great history and legacy of the Polish Women's Association in Adelaide, we are reminded of the powerful impact that compassionate and selfless individuals and

organisations can have on society. The women of Kolo Polek have certainly touched the lives of so many both in South Australia and abroad, building a foundation for the Polish community to flourish and enriching our diverse multicultural state.

It was an absolute privilege to host a Parliament House reception last week to acknowledge and honour the Polish Women's Association in Adelaide, as well as to celebrate with other multicultural organisations. I thank Gosia and the wonderful ladies of Kolo Polek for sharing some of their special insights and wisdom from many decades of service within multicultural communities with us all and I know that many of the younger organisations present on the day were inspired and motivated by their stories.

I look forward to continuing working closely with the Polish Women's Association in Adelaide and wish them very heartfelt congratulations once again on their 70th anniversary. It is truly an honour to recognise the remarkable achievements of Kolo Polek in parliament today. With those words, I wholeheartedly commend the motion to the chamber.

Debate adjourned on motion of Hon. I.K. Hunter.

Bills

TERMINATION OF PREGNANCY (TERMINATIONS AND LIVE BIRTHS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 25 September 2024.)

The PRESIDENT: Before I call the Hon. Mr Maher to lead off, I will make it quite clear to members this is a debate that will be full of emotion. I expect every member to be heard in silence. Interjections will be out of order and will not be tolerated. We have a number of people in the gallery who I am sure share very strong views on both sides. Of course, you are welcome to the parliament. You are not welcome to make any comment or noise at any point of the debate and I will not tolerate it. You will be escorted from the building. I have made it quite clear that this is going to be a very respectful debate and I will not tolerate anything otherwise.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:17): I rise to speak on this bill introduced by the Hon. Ben Hood, and it will come as no surprise to members that I will not be supporting the bill in its current form or, indeed, any form that winds back abortion care for women in this state. Put simply: this bill poses a real and significant danger not only to the physical health and safety of all women but to women's fundamental right to bodily autonomy.

In my view, the bill before us does this and I appreciate that different people have genuine and deep held views and beliefs that differ on this issue, but the debates we have on issues that are declared conscience votes by both major parties have generally been conducted quite respectfully in this chamber.

I am disturbed at the conduct of this debate and its public campaigning that has been markedly different from others I have been involved with over the last 10 years in this chamber. Issues such as voluntary assisted dying, reform of our state's laws regarding sex work and previous debates in relation to abortion have in my experience generally been conducted with a degree of dignity and respect. In this debate so far the nastiness, vitriol, inflammatory attacks on individuals who do not even get a vote in this chamber I think reduce us to a state of political discourse that does not reflect well on us generally.

I would encourage those who have been involved in this sort of debate to reflect on whether the hyperpolarised US-style of personal politics really reflects well on the South Australian values of tolerance and inclusiveness. I hope those involved will take a bit of time after this debate tonight to reflect and ask themselves: would their family be proud of how they have conducted themselves? Have some of the deep personal attacks on others been worth a few clicks on social media? I genuinely think it is worth a bit of introspection once we finish this debate.

This debate is about winding back SA women's access to abortion care. In 1969, South Australia became the first Australian jurisdiction to legislate for the lawful medical termination of a pregnancy. These laws and regulations have not been properly updated in over 50 years until the monumental and life-saving reforms of the Termination of Pregnancy Act 2021, introduced by the then Attorney-General Vickie Chapman.

In this place, these reforms were championed by the Hon. Michelle Lensink and our other colleagues the Hon. Tammy Franks and the Hon. Connie Bonaros, and our former colleague the Hon. Irene Pnevmatikos. I am proud to now be part of a bipartisan legacy of attorneys-general supporting the decriminalisation of abortion in this state and the recognition of abortion as an issue that is best dealt with by medical practitioners and their patients.

The current act, which commenced on 7 July 2022, preceded a review of abortion law undertaken by the highly regarded South Australian Law Reform Institute (SALRI) that was informed by many legal and health professionals, and the overwhelming majority of its recommendations were ultimately adopted in today's operating legislation. It was a thorough, considered process, which led to the introduction of the Termination of Pregnancy Act in 2021. The same can simply not be said for the legislation that is before us today.

Supported by countless registered medical bodies, such as the Royal Australian and New Zealand College of Obstetricians and Gynaecologists, our state's current abortion laws reflect the best clinical practice and contemporary community attitudes towards abortion being treated as a matter of public health.

The bill before us relates to a termination late in a woman's pregnancy. It is important that we appreciate and understand that these are not easy decisions or ones that are taken lightly. Currently, abortions at this term of pregnancy must be approved by two medical practitioners on the basis of: either the termination is necessary to save the life of the pregnant person or save the foetus, or if the continuation of the pregnancy would involve significant risk of injury to the physical or mental health of the pregnant person, or there is a case or a significant risk of serious foetal abnormalities associated with the pregnancy. It is those extreme cases of risk to life or health that lead to the very rare decision for a late-term abortion.

Importantly, in this area the parliament relies on expert advice about what we are seeking to regulate. Unlike the broad and expertly informed consultation undertaken by SALRI, which shaped the Termination of Pregnancy Act, the bill before us has apparently been informed by a handful of undisclosed experts. I am always cautious when authority seems to come from a handful of people who are not even prepared to put their name to their views. It flies in the face of the professional judgement of accredited health professionals and expert legal representative bodies, two cohorts of professionals that have infinitely more experience in this area than any member in this place, and certainly more than anonymous so-called experts.

That is reflected in the correspondence members have received from a range of stakeholders in the short weeks leading up to this debate, and I am grateful to the Hon. Michelle Lensink for sharing that correspondence with all of us. The Royal Australian and New Zealand College of Obstetricians and Gynaecologists has said, and I quote: they 'strongly oppose' this bill. They point out, and I will quote again:

> 27 weeks plus six days' gestation is sufficiently late in a pregnancy to consider an abortion at this point is usually only in the most complex scenarios. Such scenarios may occur when the life and/or ongoing health of the mother is at risk, or if severe and previously undiagnosed fetal abnormalities are found.

The Royal Australian and New Zealand College of Psychiatrists writes that it, and I quote:

> …believes the proposed legislation is based on an unrealistic view of the real-world experiences of women considering or undergoing [termination of pregnancy] and what the consequences of the proposed Bill's changes would be, including from a mental health perspective.
>
> Late [term pregnancy abortions] at the stage under discussion is very rare and decisions to do so are based on the woman's physical or mental wellbeing or the foetus' physical circumstances. Decisions…should be made by the individual in conjunction with appropriate support from qualified health professionals as defined in the existing Act…

Sexual and reproductive health organisation SHINE SA writes:

…forcing a live birth may also be medically unsafe in these cases, risking the health and life of the pregnant person, and leaving healthcare practitioners who are involved in inducing a live birth open to medico-legal risk and liability.

In a letter from 13 midwives working in South Australian universities, all of whom actually identified themselves, and who have also written in opposition to the bill, states:

…in alignment with our professional philosophy, code of ethics, and National Standards for Practice, we categorically reject the statements made in support of this proposed Bill. Abortion care is essential health care.

The Hon. Ben Hood and other supporters of the bill have been attempting to run a campaign with the number 45. What does that number 45 have to do with the bill before us? Nothing, absolutely nothing, not a single thing. This bill that is before us relates only to terminations after 27 weeks and six days, imposing this arbitrary limit after which a woman would be forced to deliver a live birth. I will say that again: forced to deliver a live birth rather than have access to abortion care.

SA Health data shows that fewer than five abortions were performed after 27 weeks since the bill in South Australia was enacted in 2022, and there were no terminations after nine weeks—not 45, just five. The implication that the Hon. Ben Hood and others have sought to make is that this bill would have stopped 45 terminations since the passage of the act in 2021. That is simply not true.

What they have now conceded, and what this figure actually relates to, is that 45 babies were aborted after 22 weeks and six days over an 18-month period. Again, nothing that has anything to do with the subject matter in this bill. Firstly, I would note that the South Australian Abortion Reporting Committee provided the context that each of these 45 abortions were performed due to a risk to the physical or mental health of the pregnant person: all 45 cases that the honourable member keeps referring to were performed during a term of pregnancy, again, that is not even contemplated by this bill.

This slogan 'Justice for 45'—it seems to me that the slogan completely ignores and almost certainly re-traumatises the 45 women and girls who have been forced to make what I can only imagine is one of the most difficult decisions that they will ever have to make in their lives. For the 45 women and girls who made the decision, I want to acknowledge that they were the best-placed people to make this decision in conjunction with their medical professionals. To the mover of this bill, shame on you for using their experiences for your political purposes. Shame on you for demonising people to use a term like 'Justice for the 45.' I would rather say, compassion, understanding and respect for the 45 women and girls who have made one of the most difficult decisions of their lives, and exercised their right to their personal autonomy.

Using a figure in such a way is a callous style of Trumpian post-truth politics that I think most Australians do not have a lot of time for—an attempt to whip up a culture war when none exists, based on half-truths and extreme rhetoric. I would have thought the Hon. Ben Hood might have taken some advice from some of the hard-right Republican counterparts in the United Sates. Despite the deliberate misinformation that is being spread in the US about late-term abortions, we know from repeated and repeated research that a vast majority of Americans are against the overturning of the Roe v Wade decision to turn back abortion rights in the US.

We are seeing how this conversation is playing out in US politics at the moment where almost on a daily basis the Republican contender for President of the US has to change their position because they know it is such a politically toxic issue to want to wind back women's rights to abortions. In fact, it is often cited as the second most important issue in terms of what is motiving people to vote in the US.

We are seeing this played out in Australia, we are seeing this in the current Queensland state election, where the conservative opposition is regularly being asked about what their position is on winding back abortion rights, and they are constantly saying, 'It is not part of our plan.' That cannot be said in the lead-up to the next South Australian election because we know that for senior Liberals in South Australia winding back women's rights to abortion care is part of their plan.

Whilst I do not doubt the sincerity of the views held by the Hon. Ben Hood, the timing of the bill and how it is being taken through this chamber and brought to a vote is very curious, with a preselection for the Liberal's Legislative Council ticket due soon. It seems to me that this is a clear attempt by the honourable member to further his own political career, and leverage himself

favourably on the Liberal Party's preselection ticket in a party that increasingly consists of far-right extremists who make the decisions.

I know that many of the Hon. Ben Hood's colleagues in his own ultra right faction of the Liberal Party were shocked to see this bill introduced on the very same day his own leader was bringing another conscience matter to a vote. In fact, I understand the Hon. Ben Hood even sought to usurp his own leader by seeking to having his introduction of the bill at the most prominent time slot instead of his own leader's voting on sex work reform.

The divisions not only within the Liberal Party but the conservative grouping in this council have been here on full display, and it is the issue and the use of abortion by the Hon. Ben Hood for his own internal purposes that I expect concerns many of his colleagues. You do not just have to walk down the corridors of the red carpet to find colleagues ready to vent their frustrations about the introduction of this bill and the way it has been conducted. You only have to take a few steps over to the green side and you will find any number of colleagues willing to air their grievances about the Hon. Ben Hood and how this bill has progressed at the moment.

The fact that the Hon. Ben Hood, for his own internal preselection purposes, has brought this bill to a vote the very week that we start a by-election campaign for the seat of Black is one of the most talked about issues in this building. We saw the Liberal's own candidate for the seat of Black flounder when asked about her views on this bill in her very first interview on ABC radio. Why the Hon. Ben Hood would be putting something forward that is, as has been demonstrated time and time again, so unpopular with the majority of South Australians at the expense of his own party and his own party's election campaign is something that he will have to answer to his colleagues for.

Ultimately, matters such as these, that have been conscience votes across both major parties for many years, spend weeks, usually months, on the *Notice Paper.* They are the subject of thorough briefings and correspondence, conversations between members, and deep thought and consideration.

While I do not share the views of the Hon. Nicola Centofanti in her sex work reform proposals, I will acknowledge the efforts she has gone to, and the genuine attempts that she has made, to win over the minds of people in this chamber by thorough briefings, consideration, and the time it has taken to allow debate to occur.

Although I was opposed to most of the views on social issues in this chamber, people who have been effective parliamentarians, such as the Hon. Rob Lucas, I cannot imagine would proceed in the way that this debate has proceeded in this chamber, and I am loath to give advice but, once this is all over, however this goes tonight, the Hon. Ben Hood might benefit from seeking some advice from some of his colleagues who are no longer here who have had such a long career as the Hon. Rob Lucas.

The fact that we have only had one week, one sitting week from this bill being introduced to being voted on, departs from the longstanding experience over 10 years that I have had with conscience votes in this place. If I was a supporter of this bill, I would be asking the Hon. Ben Hood why he was in such a rush to bring it to a vote, and potentially put the reform that he is putting forward in jeopardy.

I do not know how this vote will go today, but what I think you can say is the Hon. Ben Hood's rush to protect his own career in the face of preselection has increased the likelihood of failure of the vote on this issue. I do wonder whether wiser heads, when they think about this in the ultra right faction, would have better stewards who could progress this issue in the future.

I am appalled that many have seen this often difficult circumstance that women find themselves in as something to use for their own political advantage. It is South Australian women and girls who are on the losing end of the Liberal Party's internal wars that see us fighting a cultural war that we do not need to have. This bill is not based on evidence. It is insulting to women and girls and, above all, it is dangerous in how it plays politics with the health and wellbeing of women.

My opposition to this bill is based on the simple principle that all women should have the basic human right of making decisions about what happens to their own bodies. I will oppose this bill at all stages, and I urge honourable members to do the same.

The Hon. D.G.E. HOOD (17:34): I rise in support of this bill, which I am sure will come as no surprise to my colleagues here this evening. I begin by assuring the Hon. Mr Maher that this has not damaged the standing of the Hon. Ben Hood in our party at all; in fact, it may have even enhanced it in my view. Like any other political party—

The Hon. R.P. Wortley interjecting:

The PRESIDENT: The Hon. Mr Wortley, I gave a clear warning at the start of this debate that I will not have any interjections. If it happens again, I will name you. It will mean you will not get the opportunity to vote. The Hon. Dennis Hood.

The Hon. D.G.E. HOOD: Just to complete those remarks, I was making the point that I do not think this has damaged the standing of the Hon. Ben Hood in our party at all; if anything it may have enhanced it. That will be reflected in the fact that all Liberal members here tonight I expect will support this bill. I cannot speak for other members, but I think that speaks for itself—the fact that all Liberal members here tonight are, as I understand it, intending to support the bill. That remains to be seen, of course.

The other thing is the suggestion, that he may have done this—he will speak for himself of course when he gets the opportunity—for political reasons, I utterly reject. I have had numerous discussions with the Hon. Ben Hood on this bill over many weeks now, and I can assure the chamber that any political advantage or disadvantage, which we also need to consider in these matters, was not a driver in making these decisions. I will allow the Hon. Mr Hood to address those matters himself when he gets the opportunity, but I felt it appropriate that I put my view forward, having been involved in a number of those discussions, sometimes one on one, sometimes in other groups.

The fact is—and I think the Hon. Mr Maher acknowledged this in his contribution—that people have very strong feelings on this issue. I respect that the Hon. Mr Maher has very strong feelings that are almost the exact opposite to mine. I expect they will probably never change and that is okay. He is entitled to those views, he is elected by the people of South Australia to hold them, as am I and as is the Hon. Mr Ben Hood.

It will come as no surprise to members of this place that I rise to support this bill, and I do so wholeheartedly. This bill seeks to ensure that every pregnancy that a women chooses to terminate in South Australia from 28 weeks' gestation onwards will result in her baby being born alive. I commend my colleague the Hon. Ben Hood MLC for introducing this legislation, which of course has been done in the wake of the revelation that 45 babies with no reported foetal abnormality have been aborted from 23 weeks' gestation onwards following the most recent changes to our state's abortion laws in 2021. That data comes from the SA Abortion Reporting Committee reports.

I think it was eight that were aborted post 23 weeks in 2022 and 37 I believe in 2023, giving a total of 45. It is not a mystery where the number 45 comes from. I think the confusion, or the debate, not unreasonably has been around why this bill seeks to prevent terminations after 28 weeks—not termination of pregnancy but termination of the baby after 28 weeks—when the data shows that the 45 in question is only recorded post 23 weeks or more. That is the issue, but of course we do not have data, published data anyway.

Some late data has presented itself through the minister, as I understand, suggesting that five babies were terminated at the 27 or 28-week mark, but we do not have published data to verify that, so we are taking the minister's word. I am not suggesting the minister is telling untruths—I make that absolutely clear—I have no reason to think that, but we do not have published data. There is a clear hole in our reporting. It is unsatisfactory to all of us on all sides of this debate and needs to be rectified, but that is a different matter.

Why does this bill deal with terminations post 28 weeks when the data only shows those post 23 weeks? That is a matter that I presume the Hon. Mr Hood will explain in his summing up, as was touched on in his second reading speech. The point is that, if this bill tried to deal with terminations post 23 weeks, then you have a situation where it would encapsulate all those 45 babies and 28 weeks will encapsulate fewer of them, but it will catch some of them—as the minister himself has said, as I understand it, at least five, and for me five is enough to justify this legislative change.

As the Hon. Mr Hood outlined in his second reading speech, this bill is intended to strike a balance, I think very importantly, between respecting a woman's right to terminate a pregnancy whilst protecting the life of a baby that would almost certainly survive outside of the womb. Indeed, as was previously heard, according to the Australian and New Zealand Neonatal Network annual report of 2022, babies that are born at 28 weeks of gestation have a 96 per cent survival rate. Obviously, 96 per cent is not a guarantee, but it is a 24 out of 25 likelihood that a baby born at this stage of development will live independently outside of its mother's body.

Allow me to state some important facts about what has occurred to a child once it reaches 28 weeks of gestation—and that is the state of development, of course, that this bill deals with specifically. At this point the average baby is over 37 centimetres long. For comparison, the sheets of paper I am holding in my hand right now are exactly 30 centimetres long, and as I said the average baby at this period—at 28 weeks' gestation—is 37 centimetres long. They also weigh approximately 1.3 kilograms on average or about the weight of the average toaster, so I am told, or a large pineapple, as another example—things that have reasonable weight.

He or she has lungs that are capable of breathing air, although some medical help may be required in some instances. The baby can also open and close its eyes, which are now actually developing colour. He or she can suck its thumb and even cry at 28 weeks. The central nervous system can direct breathing movements and control body temperature, the baby's organ systems are fully developed and it has the ability to recognise familiar sounds and voices—all of this at 28 weeks. Further, according to the American College of Obstetricians and Gynecologists, a child in the womb feels pain at around 27 weeks' gestation.

I note that the Hon. Ben Hood provided an explanation of the distressing procedure that occurs during an abortion with the baby at 28 weeks during his second reading contribution, when we heard that babies are not given pain relief when they are terminated in the womb prior to mothers being induced and having to give birth to their stillborn child. It was not easy to listen to, but I guess in many ways it should not be. But the reality is that current law allows the deliberate ending of life in the womb up until the gestation period when, according to the Australian and New Zealand Neonatal Network, almost all of these babies would survive if they were born at this stage of gestation. I have not supported and do not support this aspect of the law and thus reiterate my support for this bill.

The Hon. Mr Hood in his second reading contribution went on to outline a personal account of a midwife being forced to deal with the procedure, known as foeticide, at Flinders hospital and also the burden it placed on the mothers who are delivering stillborn babies. We must be completely cognisant of the fact that mothers-to-be, in particular, who undergo this procedure may well be adversely affected by the experience of having to deliver their deceased child. In fact, I have known mothers—most of us probably have—who have experienced this, and it has clearly taken a significant toll on the ones I have spoken to and known. This is an additional aspect of this debate that cannot be ignored and one that is specifically dealt with by this bill; that is, the mother would not be giving birth to a stillborn child.

Whilst I still believe there are several reasons to support this bill, including those articulated by my colleague and friend, the Hon. Mr Hood, that I have attempted to outline above, in the end I need to be absolutely up-front about this: it is just my view that it is simply not right that a child that is wanted by their parent that is born prematurely at 28 weeks will have access to every medical intervention possible in order to ensure its safe arrival and be given the care required for it to thrive and develop—this is a child that is wanted at 28 weeks—yet at the very same time if it is 'unwanted' it can be terminated despite the fact that it could almost certainly survive outside of the mother—96 per cent, as I said.

So let me be abundantly clear: I simply reject the notion that the value of an individual human life is dependent upon whether it is viewed as being wanted or not. It should not be, in my view. If the child is viable then it has an inalienable right to life. That is my view; it will not change, full stop.

I understand that concerns have been raised about babies that are born at 28 weeks, in that they may have an increased risk of health and developmental problems. But ironically that is actually an argument for women who want to terminate their pregnancy at 28 weeks to in fact instead allow

their child to reach full term and then give it up for adoption, as the child then faces no greater developmental risk than any other full-term baby. However, even in the instance where a woman is insistent on terminating her pregnancy beforehand, I do not believe the risk of health or developmental challenges is a reason to abort a baby at such a late stage.

In fact, I have had mothers contact me both over many years and indeed very recently, up until yesterday actually, who have children with autism and ADHD—which are some of the increased risks of premature births—and other medical conditions as well. They have expressed to me that they find it offensive to think that their child would be considered undeserving of life because of their individual special needs. As one has said to me—and I am paraphrasing here—'My baby is precious, medical challenges or not,' and I am compelled to agree.

Whilst I accept that many members may have differing opinions on when life begins in earnest—and of course that is almost another debate, because the truth is that this bill is not concerned with that issue—this bill will not outlaw abortions in South Australia. This bill seeks to protect what are, according to the Australian and New Zealand Neonatal Network, viable human beings.

Abortion laws will be completely unaffected by this bill for the vast majority of abortions which occur earlier in a pregnancy and prior to the third trimester. It will affect a small minority, as it is intended to, but it will also allow that small minority of babies to live, and that is good enough for me. That is why I am supporting it. It will allow them to be brought up by their birth mother or, if that mother so chooses, by loving adoptive parents, as in fact my wife was, as my aunty was and as my father was. They have been fortunate enough to experience adoption. To be frank, I wonder about their fate if adoption was not an option when they were born.

I would also like to draw members' attention to a matter which appears to me at least to be an inconsistency in the law, which is relevant to this debate, and that passing this bill would go some way at least towards rectifying. That is that from 20 weeks in utero South Australians can report a child at risk to child protection authorities. It happens from time to time. In law, the authorities have an interest in activity that may put a 20-week baby in the womb at risk. So this is already the law in South Australia.

Further, also at 20 weeks in utero, a wanted child who is unfortunately delivered stillborn receives a birth certificate and a death certificate. Again, this is the current law. I support this. Despite this, that same child can be terminated at an even later stage of gestation and their life or death is not formally acknowledged in any way. In both cases the child is over 20 weeks. This is logically inconsistent, in my view. Either at 20 weeks a life existed and a death occurred or it did not. This bill will not completely remedy the situation, but it will for that small number captured by this bill.

This bill will simultaneously uphold the value of human life and enable women to end their pregnancy if they so choose. Then they have a choice to raise the baby themselves or place the child with other parents who will adopt the child as their own. I can assure you that there will be many South Australians who would be eager to adopt a child locally and, as it stands, this is an extremely rare occurrence. In fact, in the reporting period for the year 2002-03, for instance—one fiscal year—there were just four local adoptions in our state in comparison to some 4,905 abortions in 2023.

Some members will be aware that my wife and I sought to adopt a child a number of years ago as we were facing our own fertility challenges at the time, and we were told it was likely that we would not be able to conceive by two doctors. We were very disappointed to learn at the time, as you can imagine most young couples would be, that it was going to be difficult for us, so we sought adoption as an option. However, we were disappointed to learn that adoption was very rare in South Australia, with just a few each year and in fact in some years none at all.

At that stage, like so many couples, we would have done almost anything in our power to adopt a baby if it were possible, but the truth is we were told, 'It's basically impossible.' No doubt there are countless couples who find themselves in this exact same situation, and this bill will provide some help to a small number of them. I think all of us can understand, if any of us have faced fertility challenges along the way, just how devastating that can be for a couple and the challenge it can present for a marriage and all the implications it involves.

Further to this, some members would be aware that, as I indicated earlier, my wife, my father and my aunty, whom I am very close to and see most weeks, were all fortunate enough to be adopted by loving parents many years ago. They have each gone on to live productive, satisfying lives, and they are grateful for them. As such, I am a committed advocate—always have been, always will be—for adoption access and fully understand and appreciate what a wonderful outcome it can be for a child whose mother is unable to keep him or her, for whatever reason. There is no shame in that. In my own case, my wife's mother was just 17 when she gave birth to her. In those times, it was very difficult for a 17-year-old girl to keep her baby, as it is today. Perhaps it was more difficult back then, I do not know. In any case, she was given up for adoption, and thank goodness she was.

Another aspect worth considering is the fact that we have declining fertility rates and an ageing population in our Western world and here in South Australia as well. This is slightly tangential to the core issue of the bill, but it is worthy of consideration in the bigger picture of things. Any way that we can boost the birthrate in South Australia will be at least of some societal benefit. Simply, more babies born will reduce the average age of our population, which has a number of benefits, of course, to the overall society, including easing pressure on our struggling health system, for example.

It is my sincere hope that members in this place recognise the need for this bill to pass, which is a compassionate response to both the mothers and babies in these regrettable scenarios, and I trust it receives the support it deserves. I have outlined my views and some personal experiences which have helped shape my position on this difficult and sensitive matter.

I accept that each member of this place will have their own views and will come to their own position, as they should. For me, the prospect of viable human beings being given opportunities to live at 28 weeks or more, grow and ultimately thrive is compelling and, for that reason, I absolutely support the bill. I also take this opportunity to indicate at this stage it is my intention to support the proposed amendments by the Hon. Ms Game, although of course I will need to consider them more carefully when we get to the committee stage, but I do intend to support them at this stage. I commend the bill to the council.

The Hon. S.L. GAME (17:51): I rise to support the Hon. Ben Hood's Termination of Pregnancy (Terminations and Live Births) Amendment Bill, and I extend my heartfelt appreciation to the honourable member for introducing such a significant amendment to the chamber. I do not want to visit many of the well-heard and argued points of the ongoing important debate, but I do want to highlight the fact that our Western society is facing a significant fork in the road, where our fundamental beliefs and values are consistently challenged and changing, and how we respond now in this chamber will continue to shape the future direction of our society.

The Termination of Pregnancy Act 2021 was passed by this parliament and commenced on 7 July 2022. It was a significant piece of legislation because, under section 6 of this act, termination could occur any time beyond 22 weeks' gestation. Those who raised concerns about an increase in late terminations were shouted down by claims that terminations beyond 22 weeks were extremely rare, but according to the government's South Australian Abortion Reporting Committee, since the commencement of this bill until December 2023, there have been 47 terminations beyond 22 weeks. Given that the total number of abortions in 2023 was 4,905, you could argue that 47 is not a large percentage of the total. However, the fact that these 47 terminations occurred after 22 weeks cannot be characterised as extremely rare, and this is certainly not insignificant.

It is also reported that 37 of these terminations after 22 weeks were justified under the classified reason of 'physical and mental health of the pregnant person'. The physical and psychological pressure associated with pregnancy can be overwhelming, not to mention the social and financial implications of giving birth and then raising a child. Nevertheless, the decision to terminate can also cause significant trauma, particularly during the latter weeks of pregnancy. If the mental health of the pregnant woman is our paramount concern, then we must also weigh up and consider the psychological, emotional and moral consequences of terminating the life of an unborn child.

This is why I applaud the honourable member for introducing this bill, because it acknowledges that there are consequences to the termination of life, especially when this life is

terminated beyond 22 weeks and requires the mother to deliver a stillborn child. How can anyone suggest that delivering a stillborn child is preferable to the delivery of a living, breathing baby?

It can only make sense to a society has lost its moral compass and a medical profession that sees pregnancy as a medical problem to be removed, rather than a moral and ethical dilemma that needs to be thoughtfully and ethically resolved by supporting and assisting a pregnant woman to genuinely and sincerely consider all available options, not just abortion. According to the Abortion Reporting Committee, the Pregnancy Advisory Centre conducted 65.2 per cent of abortions in South Australia in 2023, or 3,197 abortions out of 4,905. In its own brochure, entitled 'Myths and Facts About Abortion', the centre states:

> …research shows that for the majority abortion causes no long lasting psychological consequences… Having an abortion is not inherently traumatic; however, every step of the process to accessing abortion services can be made traumatic by judgemental or undermining treatment by others.

Such statements show a fierce denial of the psychological impact and trauma of abortion, as well as the stigmatisation of alternative treatments as 'judgemental' and, ironically, blaming alternative options as causing the trauma rather than the abortion itself.

This forceful and ideologically driven approach is consistent with communications received and confirmed by my office from a South Australian woman who has worked for over 15 years as a pregnancy support worker. This dedicated pregnancy support worker recounted the story of a 39-year-old woman who unexpectedly fell pregnant and contacted the Pregnancy Advisory Centre. She was told to come in that day and on the same day her womb was injected with digoxin. She stayed in a motel for a couple of days and returned to the centre to deliver her dead baby.

At no stage was she shown an ultrasound of her unborn child, counselled or offered alternatives. Many months later, she requested and received an ultrasound of her unborn child, but the image was obscured, and she still had no idea how many weeks pregnant she had been. It was only after she received a $5,000 payment from the federal government entitled 'Bereavement payment of the maternity payment and paid parental leave' that she was informed she had been 23 weeks and five days pregnant at the time of the abortion.

There are many examples of similar stories where pregnant women are railroaded into an abortion, rather than counselled and supported to make the most appropriate decision based on the individual health and circumstances and all of the available information.

In a recent front-page story in *The Advertiser*, Tara Dawes was only 13 when she became pregnant through sexual abuse. This courageous young woman recounts how she was made to feel like it was her fault and how she was encouraged to terminate her pregnancy but resisted because she understood that she could not endure the trauma of an abortion. Despite feeling abandoned and forgotten, Tara went on to have her baby, finish school and achieve an ATAR of 95. Appropriate support for Tara could have made her journey a lot less stressful by affirming her decision to keep her baby, despite such extremely difficult circumstances.

This is why I commend to this chamber my amendment to the honourable member's bill by inserting section 6A, which ensures support for all women under this proposed law who have terminated their pregnancy at 28 weeks through live birth and are faced with the difficult decision to either keep their baby or give the baby up for adoption.

This amendment includes professional counselling to assist women in making this decision, as well as ongoing and practical support for women who decide they want to keep their baby. This will ensure that women are not left to make these decisions on their own, as well as providing assurance to women who want to raise their child that they will have access to valuable support for the first 24 months of their child's life. I want to acknowledge the contribution of the Hon. Laura Henderson in improving and shaping that amendment as well.

In a civilised society that values life, pregnant women should receive the support and assistance they need to birth and raise their child. I will always uphold the sanctity of life and value of motherhood and fatherhood as I believe that this is the bedrock of a decent and caring society where life is considered a gift and abortion is never presented as a first and only option.

Sitting suspended from 17:58 to 19:45.

The PRESIDENT: Before I call the Hon. N.J. Centofanti, I just remind members to date it has been as I would expect: very respectful and members are heard in silence. Interjections will not be tolerated at all. Members of the gallery, of course you are welcome. I do not want to hear any sound. You can watch the debate but you are not to disrupt in any way, shape or form. The Hon. N.J. Centofanti.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (19:46): It will come as no surprise to members that I stand in support of the Hon. Ben Hood's amendment bill today. I want to acknowledge the Hon. Ben Hood for his bravery in bringing this bill to the parliament. Can I echo the earlier words of the Hon. Dennis Hood and simply say that as Leader of the Opposition in this place I am incredibly proud of the courage the Hon. Ben Hood has displayed in bringing this bill forward.

I support this bill knowing that the decisions we make in this place have a profound impact on individuals right across our state. I do so also knowing that the decisions we made in this place in 2021, decisions I could not and did not support at the time and continue to reject, have since affected the lives of 45 babies whose lives were terminated through those decisions.

Under the mask of decriminalisation of abortion, proponents of the Termination of Pregnancy Bill pushed those changes to late-term abortion. I think it is important to state that back in 2021 I was not against the move of the abortion legislation away from the Criminal Law Consolidation Act and into its own standalone health act. I still support that move. But it is my understanding, however, that in the last 50 years no woman has ever been prosecuted for accessing an abortion. Nonetheless, if the relevant sections were simply picked up and moved into the health act, I, and I suggest many others in this place and in the other place, would not have had a problem.

The issue was the additional changes to the bill, namely the removal of the gestational upper-term limits on abortion. I did not support the removal of gestational upper-term limits on abortion that went through this chamber back in 2021. In fact, at the time, I moved amendments in this chamber that then became known as the Speirs amendments in an attempt to restrict this legislation to allow for termination of pregnancy post 22 weeks and six days only in certain specific medical circumstances, and those are to save the life of the mother but also adding in to save the life of another foetus and in the circumstances of serious anomalies associated with a pregnancy that were incompatible with life. Disappointingly, this amendment was defeated in both houses.

Individuals, in opposition to the Hon. Ben Hood's bill, argue that abortion is health care. Abortion is fundamentally different from other forms of health care because it involves another life, in addition to that of the pregnant woman. While people may assign different values to unborn lives, it remains a biological fact that a second life is present.

As the Hon. Clare Scriven cited in her second reading speech in the Termination of Pregnancy Bill back in 2021, the preamble to the Convention on the Rights of the Child, dated 2 September 1990, states:

> Bearing in mind that, as indicated in the Declaration of the Rights of the Child, the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.

This convention clearly affirms that babies deserve legal protection both before and after birth. Late-term abortion denies those babies their human rights. With advancements in modern technology, we recognise that a baby is viable at 22 weeks and six days. Yet, currently, a baby capable of living independently of its mother is still denied the protection of human rights. The Hon. Ben Hood's bill seeks to amend this and provides a balance between the rights of a mother to terminate her pregnancy and the rights of the child to live.

During commentary about the 2021 termination of pregnancy legislation, much credit was given to the late Hon. Robin Rhodes Millhouse QC, the then Attorney-General, on his so-called progressive reform of abortion laws in 1969 in South Australia. Again, at the time of the debate, I emphasised that the Hon. Robin Millhouse QC proceeded to have regrets about the unintentional consequences of his reform, such that he went public back in 2014, when he featured in an article written in *The Advertiser* entitled 'Robin Millhouse's regret'. After 45 years of carrying a growing burden, the Hon. Mr Millhouse QC confided that, and I quote:

> I deeply regret that the medical profession—and the lawyers—interpreted the law too widely. It has become abortion on demand. I did not intend it to be that. I have taken the rap for it. It is something I regret.

During my second reading speech on the Termination of Pregnancy Bill, I noted that this interview was pertinent as it was a direct admission of how the intent of legislation is often not the reality, and I said, and I quote, 'I feel this current legislation will face the same problems,' and it has: 45 lives have been terminated or killed due to the physical or mental health of a pregnant person using foeticide, which is the injection of potassium chloride into a baby's heart, as is the recommended procedure for all babies over 22 weeks, according to the Royal College of Obstetricians and Gynaecologists, to ensure there is no risk of a live birth. The baby dies in the womb and is delivered as a stillborn.

Members need to understand that those women who decide to undergo an abortion under these circumstances are still forced to give birth, except they give birth to a dead baby and not a live one. That is the reality. These are babies that, according to SA Health's own data, if born at 24 weeks would have a 68.2 per cent survival rate, and if born at 28 weeks, as per this amendment bill, would have a 96.9 per cent survival rate.

As the Hon. Dennis Hood suggested, the bill we are debating tonight is about those babies, after 28 weeks, who are healthy, who can hear and recognise familiar voices and sounds and who can feel pain. I would like to read something out to the chamber regarding the use of potassium chloride in the veterinary profession, a profession that I was a member of for 15 years prior to entering this place. Under the AVMA Guidelines for the Euthanasia of Animals: 2020 Edition it states that, and I quote:

> Although unacceptable when used in conscious vertebrate animals, a solution of potassium chloride…injected IV or intracardially in an animal that is unconscious or under general anesthesia is an acceptable way to induce cardiac arrest and death.

Let us really think about this. It is unethical for veterinarians—it was unethical for me as a veterinarian—to inject potassium chloride into an animal unless that animal was under general anaesthesia and completely unconscious because of the high degree of pain associated with that injection.

What sort of a society are we living in where it is acceptable—and in fact it is practice—to inject a 28-week-old healthy baby, one that has a 96.9 per cent survival rate out of the womb, with potassium chloride, the same substance that is completely unacceptable to inject into an animal without a full anaesthetic? That is not a society I want to be part of, and it is not a practice I condone.

Most of us know someone who has been confronted with the decision of whether or not to terminate a pregnancy. It can be an absolutely incredibly difficult decision, but the decision facing the parliament today is not about access to early terminations, which is currently provided in a safe, medical environment, and should continue to be done as such. It is a decision about the ethical and moral implications of late-term abortion, of foeticide, and it is about supporting a bill that allows the mother to terminate a pregnancy with a live baby instead of allowing a barbaric practice of potassium chloride injection in an otherwise healthy baby that we no longer ethically allow in veterinary practice. Gary Haugen once said:

> When our grandchildren ask us where we were when the voiceless and the vulnerable in our era needed leaders of compassion and purpose, I hope we can say that we showed up, and that we showed up on time.

As leaders, we must always remain focused on protecting those who do not have a voice, and it is time for us to show up and to right a wrong in this place.

The Hon. T.A. FRANKS (19:57): I rise as one of two speakers tonight for the Greens to oppose this bill. It will come as no surprise to members of this council or indeed to Greens voters that the Greens have a policy position of the decriminalisation of abortion. We believe abortion care is health care.

This bill does not see abortion care as health care. It seeks to intervene with the practice of health professionals, and I note the Clinical Guideline for Abortion Care of RANZCOG, which is an evidence-based guideline on abortion care in Australia and Aotearoa New Zealand, some almost

170 pages or so. It is certainly just one document that would guide the clinical care when it comes to abortion, so this is in no way an area that is not governed by appropriate measures.

It is not appropriate, however, for politicians to decide on behalf of a medical team and a pregnant person each and every circumstance that they face in their lives when it comes to the issue of the termination of pregnancy. Indeed, it has been said of this bill that it addresses some unintended consequences that were not considered in the debate that we had some years ago. I note that of course back in 2019, the South Australian Law Reform Institute (SALRI) was asked by the then Attorney-General, the Hon. Vickie Chapman MP, to:

> …inquire into and report in relation to the topic of abortion, with the aim of modernising the law in South Australia and adopting best practice reforms. SALRI was requested to undertake proper investigation and provide recommendations for reform based on best clinical practice in this area and taking guidance from other jurisdictions in considering the most suitable way to achieve proper reform of abortion laws in South Australia.

Of course that review, which included over 3,000 online submissions, had extensive, multidisciplinary research and took on expert and community views, including forums that were with legal, health care, faith groups, disability sectors, NGOs in not only our capital cities, but across regional locations.

It used the facilitation of YourSAy to seek community views, including some 2,885 online responses, took submissions from 340 individuals, agencies or interested parties, made 66 recommendations, the majority of which were accepted, and then saw a bill debated in this parliament with some amendments in 2021, passing with 29 votes to 15 in the other place and of course passing in this council, after which the Termination of Pregnancy Act 2021 was assented to and eventually commenced. That hardly seems like thought was not put into that process.

I think we have a piece of legislation in terms of the act that has undertaken all of the things the Hon. Ben Hood says it had not done, and the use of the number 45 in the debate I find not just problematic but concerning, misleading and certainly not something that has been helpful to appropriate debate of this matter. I draw attention to the number of 45 being used time and again, not just by the Hon. Ben Hood but by a person who has been ABC/RMIT fact-checked and found to be a liar, so I would caution members on transposing the use of the 45 into what this bill does.

Of course in the fine print the Hon. Ben Hood does go on to say that less than five cases are in this particular category. Of those less than five, one woman today has gone public with her particular story. I thank her for her time earlier this week, where I was able to have an in-depth conversation with that person, who has now publicly gone on record as having undertaken the decision that she did in very difficult and complex circumstances—which this bill did not know about, would not address—not only for the sake of her own life but for the wellbeing of her eight-year-old child.

That situation could not be understood or accommodated by any piece of legislation such as this, which comes into the parliament one week and is then taken to a vote the very next sitting week, has had little consultation, has certainly had a lot of media, a lot of hype and a lot of drama associated with it, but this is not nuanced legislation that takes on board medical advice and acknowledges that we have done a lot of work in this state already to come to a position where we have an act, informed by that SALRI report, that is something that I as a member of this council strongly support and do not wish to see rolled back.

I do not for a minute suspect that this will be the last piece of legislation that would seek to roll back our current laws if it were to pass tonight. This would simply be the first of many small, ongoing attempts to move to a position where abortion care was not treated as health care. Abortion care is health care, that is Greens' policy and that will be our position in a vote as a party. I know the Hon. Rob Simms will make a contribution also, but whichever Green you get in parliament, that will be our position. When voters vote for us, they know that is our position.

I also reference the number of not just community but quite esteemed organisations that have written to me, the Hon. Michelle Lensink in particular, with serious concerns about this piece of legislation. The piece of correspondence to which I would like to draw members' attention in the first instance is from midwives in South Australian universities. In particular, it has been authored by Associate Professor Elizabeth Newnham of Flinders University and co-signed by over 10 other

university midwives. That correspondence, which is dated 11 October and sent to all Legislative Council members notes that:

> We are a group of concerned midwives working in South Australian universities. We are writing to express our opposition to the Private Members Bill proposed by Mr Ben Hood that is currently before the Legislative Council.
>
> This Bill, which advocates for forced birth, fundamentally violates human rights principles and contravenes core biomedical ethical principles. These include, beneficence (to do good), non-maleficence (not to harm), justice, and respect for autonomy. The proposal to introduce premature labour and birth, followed by the significant medical care required for preterm infants, culminating in forced adoption, is ethically indefensible.
>
> Midwifery philosophy of care is grounded in the ethical principles of justice, equity, and respect for human dignity. Reproductive autonomy is essential to gender equity and reproductive justice. In countries where women and gender-diverse people are not able to access safe abortion, maternal mortality rates increase significantly.
>
> The International Confederation of Midwives (ICM) Philosophy of Care statement emphasises the critical role of midwives in promoting and protecting women's human, reproductive and sexual health and rights. The ICM Code of Ethics upholds that no woman or girl should be harmed by conception or childbearing.
>
> Importantly, while midwives may decide not to participate in activities for which they hold deep moral opposition, individual conscience must not prevent women from accessing essential health services. Midwives are also ethically obligated to work towards recognising and eliminating harmful health impacts on the health of women and infants. To that extent, the proposed Bill is unworkable in practice; meeting a request for termination of pregnancy with a requirement for forced live birth would not be possible under the terms of informed consent.
>
> In alignment with our professional philosophy, codes of ethics, and National Standards for Practice, we categorically reject the statements made in support of the proposed Bill. Abortion care is essential health care. As healthcare professionals dedicated to the wellbeing of pregnant and birthing people, we oppose this Bill and urge that it does not pass.
>
> In summary, this Bill undermines fundamental human rights and ethical standards that are central to midwifery care. It poses a direct threat to reproductive autonomy, gender equity, and the health and wellbeing of women and gender-diverse individuals. We call on policymakers to uphold the principles of justice, equity, and respect for autonomy by rejecting this Bill and ensuring access to comprehensive, safe reproductive health services for all.

They offer their willingness to discuss further with any members of this council; I am not sure if members of the council had taken up that offer, but I am sure it applied to all of us. I also note the correspondence from Mark Rankin of Flinders University, who is a legal expert in this area—in this area in particular, I will note, as does his correspondence. You can be a legal expert, but you need to be a legal expert in the area that you are talking about for it to be taken seriously.

I also draw members' attention to the Hon. Michelle Lensink's correspondence that she has received from the Royal Australian and New Zealand College of Psychiatrists. There was correspondence from SHINE SA, of course the South Australian Abortion Action Coalition, and so many more.

I thank those medical professionals who work in this area who have corresponded with me and who, in the past, have had to deal with these situations over many, many years and decades. Indeed, I note one doctor who, during the process previously to this—and more recently we have repeated our conversations—had to see his patients off to interstate or, indeed, the US in these situations because South Australia did not provide the medical care that those people needed, sometimes even assisting them himself to access care, because it was unaffordable for those people to travel interstate or overseas.

I note that the SARC one pager is probably the best run-down of why I believe people should not be supporting this bill tonight and I hope that they do not. It states that the Hood bill is an attack on abortion care and its proposals are cruel and unworkable, it seeks to overturn the intention of the current Termination of Pregnancy Act 2021, later abortions are rare but essential, best practice in abortion care is not possible under this bill, patients would be exposed to the risk of birth trauma, premature delivery is dangerous and care standards require that it be avoided whenever possible, patient consent would be coerced—and that is something I have heard time and time again from medical professionals on this.

I do ask the Hon. Ben Hood in his summing up to address how patient consent is not being coerced in this particular model that he puts forward. It would also see a return to forced adoption. SARC raises their concerns that women with crisis pregnancies could be denied needed obstetric

care, that children born after a denied abortion would probably face much more difficult circumstances than otherwise, and so many more reasons.

I am sure this debate tonight will not be the end of this debate in this parliament, but if proponents have ideas such as this in the future I do ask that they allow more than one sitting week to have a proper debate and certainly that they consult more widely. I would draw members' attention that in my consultations on this particular bill I have had so many people contact me from Mount Gambier and raise their concerns about the lack of access to terminations in Mount Gambier currently, not only early medical abortion but also surgical abortion. Certainly, there have been grave concerns raised with me about the operations in the Mount Gambier hospital and elsewhere in the South-East.

I hope in the future to turn my attention to those issues, and that will not be the last that you have heard from me on what is going on in Mount Gambier with access to terminations, which is currently not what it should be under our current laws. It is certainly something of concern to the Greens that we will be seeking to address in the near future. With that, we will oppose the bill.

The Hon. J.S. LEE (Deputy Leader of the Opposition) (20:12): I rise to make a brief contribution in support of the Termination of Pregnancy (Terminations and Live Births) Amendment Bill. The termination of pregnancy debate is a longstanding and contentious discourse that touches on the moral, legal, medical and religious aspects of induced abortion. I want to first of all thank the Hon. Ben Hood for his courage in bringing the bill to this parliament, and I also acknowledge the many advocacy groups that were involved in developing and drafting this bill.

Whether one is a pro choice supporter or a pro life advocate, members of parliament representing our diverse communities must maintain respectful engagements with each other so that difficult debates and decisions made in this place allow us to listen and to speak thoughtfully for women who are facing immensely challenging and vulnerable situations.

I believe I am the first politician with Buddhist faith who has been elected in the South Australian parliament. The abortion debate has been a sensitive and emotional topic for many of those in my community that calls on us to consider the moral, legal, medical and religious aspects of the issue. I would like to present my views to support this bill, and I believe I represent a number of individuals and communities that feel the same way about this important matter as I do.

They will not be seen at rallies. They will not be seen making comments on social media. They are the quiet ones, but the quiet ones are speaking through me tonight to support this particular bill. As a Buddhist, I have been brought up in a community where we believe that life should not be destroyed. We regard those who are causing death as morally wrong if the death is caused deliberately and by negligence.

Buddhists regard life as starting at conception. Traditional Buddhism rejects abortion because it involves the awareness and the intention of destroying a life. Buddhists are expected to take full personal responsibility for everything we do and for the consequences that follow. The decision to abort is therefore a highly personal one, and one that requires careful and compassionate exploration of the ethical issues involved and a willingness to carry the burden of whatever happens as a result of that decision.

I understand from the Hon. Ben Hood that this bill is about offering both compassion to the mother and the chance for the child to live. Furthermore, as the mover highlighted in his second reading speech, the medical advancements of the last 10 years make this bill not only morally right but medically sound, taking in scientific evidence provided by the Australian and New Zealand Neonatal Network that babies born at 28 weeks have a 96 per cent chance of survival. By requiring early delivery, medical professionals are protecting the life of the child and also sparing the mother from the trauma of a prolonged and avoidable medical process.

Let us be very, very clear that this bill does not take away a woman's right to end her pregnancy. We must acknowledge that there are some challenging circumstances whereby continuing a pregnancy is not possible or desired. A woman still has the right to end her pregnancy. This is not about forcing anyone into motherhood, and the bill ensures that the mother's decision to end her pregnancy is respected.

However, it provides an alternative option, which is when a woman is beginning her seventh month of pregnancy, when the baby is clearly formed and viable, if the pregnancy must be ended, then it requires the baby to be delivered alive. The child would receive immediate care in the neonatal intensive care unit, ensuring the best chance and the best possible care for a healthy life. If a mother does not wish to raise the baby, there are many loving families ready and willing to adopt.

I would like to take this moment to speak about my personal story. My late grandparents were pro-life supporters. They told us when we were young that every life brought to this earth is a gift and should be treated as a miracle. They were blessed with a total of 12 children. My late father was the 11th child. Back then, unless a family was very well off, it was not easy to provide for so many children. My grandparents worked extremely hard in order to give whatever they could to care for such a big family.

During that time, in the village that my grandparents were at, there was a couple who could not have children of their own. This couple were good friends with my grandparents. They were like a family to them, so they adopted my dad. Instead of being the 11th child that was born in the family, my dad became the first child and the only son for his adopted parents.

My dad did not have to change his surname by birth because his adopted parents had the same surname: Lee. I suppose Lee is a fairly common surname—it is like Smith—so the two families felt that it was meant to be. They stayed close together, and my dad had the support of two sets of parents, and I have been the beneficiary of their love and legacy.

I touch on this personal story because I believe women who are not in the position to care for their babies after birth can provide other loving families with a child to adopt. As this bill before us is about offering both compassion to the mother and the chance for a child to be born, to live and to be cared for, I also indicate that I would like to support the amendments moved by the Hon. Sarah Game, which provide for support to be provided after live birth. That is outlined in her amendment. With those words, I commend the bill to the chamber.

The Hon. L.A. HENDERSON (20:19): I rise today to support the Termination of Pregnancy (Terminations and Live Births) Amendment Bill 2024. In doing so, I acknowledge that this is a conscience matter for the Liberal Party. This bill seeks to balance the interests and the rights of the mother and the child. As the legislation currently stands, should a mother have a termination of pregnancy after 28 weeks the baby's life would also be terminated. The proposed bill would still allow for the pregnancy to be terminated, but instead of the baby being delivered stillborn it would see the baby be born alive.

I have heard some say that this should not be a decision for the parliament, that this is a decision for a doctor and the woman. Respectfully, I absolutely think that it is the place of this parliament to safeguard children. It is the parliament's job to decide how to balance at law the competing interests and human rights of the mother and a baby. It is important to note that this bill still allows for a woman and her doctor to make decisions about her reproductive health, but it also safeguards the life of the child.

Despite some saying that it should not be for the parliament to make these decisions, this will not be the first time that this parliament has legislated on the issue of abortion. Notably, I refer to the Termination of Pregnancy Bill 2021, passed only a few years ago. So, I find it interesting that this argument is being deployed for this bill, as if this place is incapable of or unwilling to debate matters of fundamental importance to so many in our community.

The SA Abortion Reporting Committee Annual Report for 2023 showed that there have been 37 terminations of pregnancy after 22 weeks and six days gestation in South Australia in 2023 for the physical or mental health of the pregnant person, 10 for foetal anomaly and none for the purpose of saving the life of a pregnant person or another foetus. This has jumped significantly from 2022, which showed only eight terminations of pregnancy after 22 weeks and six days gestation for the reason of the physical or mental health of the pregnant person, two for foetal anomaly and none, again, for the reason of saving the life of a pregnant person or another foetus.

The Hon. Ben Hood MLC highlighted in his second reading speech that, according to the Australian and New Zealand Neonatal Network, babies born at 28 weeks have a 96 per cent chance

of survival and that 76 per cent of those children will go on to have normal motor development and 89 per cent will live free of moderate or severe disability.

This bill does not seek to remove a woman's choice to seek an abortion should they choose to have one prior to 27 weeks and six days. Any assertions that this affects a woman's right to an abortion in those early stages would be incorrect. For clarity, that means that the mother would be able to seek an abortion right up until the end of her second trimester.

Having conducted research into a number of sources on pregnancy, I understand that by week 27 the baby would be around the size of a cabbage. A bub would be able to hear muffled sounds in the womb. By this stage of pregnancy, it is likely that mum would also feel her bub kicking around. What we are talking about here are babies who, statistically speaking, according to the report of the Australian and New Zealand Neonatal Network, have around a 96 per cent chance of survival at discharge to home rate or higher depending on when they were born. We are talking about babies who are past the threshold of viability, yet currently under South Australia's abortion laws their lives could be terminated should the pregnancy be terminated.

Instead, the Hon. Ben Hood's bill seeks to allow a medical practitioner to only intervene to end the pregnancy of a woman who is more than 27 weeks and six days pregnant if the intention is to deliver the foetus alive and a premature delivery is necessary to save the life of the pregnant person or another foetus or continuation of the pregnancy would involve significant risk of injury to the physical or mental health of the pregnant person or there is a case of significant risk of serious foetal abnormalities associated with the pregnancy or premature delivery is medically appropriate.

It is important to note that come week 28 the mother would have had the nuchal translucency scan around the 12-week mark to measure the skin fold at the back of the baby's neck. The results of the nuchal translucency scan combined with a blood test may tell parents if their baby is at an increased risk of chromosomal abnormalities.

Additionally, the morphology scan would be completed around weeks 17 to 22, which is a routine scan to check if the baby is developing normally. This is well and truly in advance of the 28-week mark. This bill does not remove a woman's right to choose or to place them in a medically dangerous position like some have purported. It still allows for a pregnancy to be terminated, but what it does do is protect the right of life for the unborn baby.

I indicate that I will be supporting the amendment in the name of the Hon. Sarah Game. I commend her on bringing this amendment aimed at providing supports for women and their babies should they have given birth to a child as a result of an intervention to end pregnancy under section 6(2a). I agree that these supports should be available should the mother seek to access them and should not be enforced or mandated.

Before I conclude, I would like to acknowledge the work of the Hon. Ben Hood and his wife, Elle. What an incredible team you both make. Ben, you should be incredibly proud of the work that you have put into this bill and the courage that you have had in championing this cause, especially given the vitriol that you have received. I know that at times there have been unnecessary levels of hostility, even threats of violence—frankly, behaviour that is entirely unacceptable in a free and democratic society.

No matter how passionate someone is about an issue, threats and violence are never the answer. But despite this, Ben has risen above those who have sought to play in the mud. I think that this is a true testament to him, to his family and to all of those who have worked together to bring recognition of this important issue to this place.

I would also like to acknowledge the tireless work and dedication of Joanna Howe. Jo's advocacy on this issue has been incredible. She has immense passion and fire and it has been on display throughout this campaign. With that, I support this bill and I conclude my remarks.

The Hon. R.A. SIMMS (20:26): I rise to speak against this bill. As noted by my colleague, the Hon. Tammy Franks, this is not simply a matter of conscience for the Greens, it is actually a matter of party policy for us. Our party has a very clear policy position in favour of recognising abortion as fundamental to health care.

I do want to say that it is always been a frustration for me that the two old parties approach issues of women's reproductive rights as conscience votes. It creates the impression that these issues are opt-in luxury items and it seems that whenever we are dealing with issues of gay rights or women's rights these become conscience votes of the old parties. I do find that a very frustrating state of affairs, particularly when they bind on so many other policy issues in this place that have a significant moral dimension.

I want to take a moment to reflect some of the Greens' policy and read that into *Hansard*. Our policy that we took to the last federal election was very clear:

> The Greens will continue to support giving people choices over their bodies by ensuring access to safe and affordable sexual and reproductive healthcare.
>
> We are committed to making access to abortion safe, accessible, legal and affordable across Australia.

As the Hon. Tammy Franks has stated, no matter who represents our party in the parliament, there is a clear commitment that we will defend women's reproductive rights in this place. It is very clear to me that this is going to be an important issue at the next state election, as it is over in Queensland, given the broad support for the radical proposition that the Hon. Mr Hood has put before the parliament from the Liberal side of politics, and so the Greens will be doing everything we can to resist this assault on women's reproductive rights in the days and months ahead.

I also want to acknowledge the leadership of my colleague, the Hon. Tammy Franks, over many years in this space. The Hon. Ms Franks has been a strong and tireless voice for the rights of women, in particular defending women's reproductive rights, and I really want to acknowledge her leadership. I know that it is valued by many, many people in the community and, indeed, it is an issue that has been raised with me many, many times when people reflect on the great work that the honourable member has done in this place. She has been a really staunch advocate, so I want to recognise her for her work on that.

I am opposed to this bill not only because it is Greens policy to stand for women's reproductive rights but also because I consider this bill to be morally reprehensible. There are already significant safeguards in place when it comes to women accessing late-term abortions. One of the things that has really upset me about this debate is the highly emotive and I think disrespectful language that has been used in relation to those women who have had to make that incredibly difficult decision, a decision that they are making in consultation with healthcare professionals, not politicians. These decisions should be made by women in consultation with healthcare professionals, not by members of parliament who seek to regulate what people do in their personal lives.

I want to reference some points made here by Professor Warren Jones. Professor Jones has had more than 45 years' experience working in the women's health field. This is a letter that he wrote to *The Advertiser* when this issue came on the agenda just a few weeks ago. He said:

> It is clear that some have no knowledge of the emotional or physical trauma experienced by women with unplanned and unwanted pregnancies…
>
> In Sydney in the early 1960s, I worked in a 24-bed hospital ward dedicated to the acute care of women who were recovering or dying from infection and haemorrhage after illegal abortions.
>
> I then had similar experiences in England and campaigned for abortion law reform leading up to the passage of the enlightened UK Abortion Act in 1967.
>
> Legalised and safe termination of pregnancy is now well established in SA. It is not in the purvey of community bias. It is solely a matter of a woman's rights and her choice.
>
> The currently proposed, and politically motivated, private member's Bill is dangerous to women.
>
> Severe mental illness and critical medical disorders usually do not manifest until pregnancy is well advanced when a late but life-saving decision for termination must be taken by the woman and two doctors.
>
> To make this decision conditional on the baby being adopted out is unethical and medically reprehensible.

I agree with Professor Warren Jones and, indeed, this appears to be the view of the overwhelming majority of healthcare professionals who work in this space and provide advice and support to women in these circumstances.

I also want to reference one of the other elements of this debate that I found really disturbing, and that is this kind of flippant way in which adoption has been talked about as a solution: 'Oh, well, these women should be forced to have the baby and then just put the baby up for adoption.' Again, I think the Liberal speakers who are offering that, and those in this debate outside who have put that solution forward, are being blind to history.

Back in 2012, there was a comprehensive Senate inquiry into forced adoption practices here in our country, looking at the significant effect that this practice had for women. It led to a national apology, recognising the long-term trauma that those practices did to those women. This parliament, here in South Australia, also provided an apology to those women. So, to simply dismiss their experience, and to sort of suggest that this is some kind of easy solution and easy pathway, again, I find demonstrates that the Liberals just do not get it.

This brings me to my next point, and that is what I see as being the far right's takeover of the South Australian Liberal Party, something that I see to be very disturbing here in this parliament. I think it is worth reflecting that this is the second private members' Wednesday, or second week in a row, when we have dealt with these thorny issues where we have seen Liberal speakers presenting world views that I think are wildly out of step with the broader South Australian community.

What we are seeing, I think, is an importation of the far-right politics of Donald Trump in the United States, and it is being brought into a South Australian context. That is really concerning, I think, in terms of what that means for this kind of debate here in South Australia. I know some people might find that shocking, but it is very clear that these tactics are being adopted and deployed here in South Australia, and I urge the Liberal Party not to go down this path because I see it as being very divisive and it is very dangerous.

If you look at what has unfolded over in the United States, where there has been a gradual erosion of women's rights, and in particular their right to access abortion, that is resulting in very dangerous health outcomes for women, and I do not want to see that kind of environment being created here in South Australia.

This is a matter of health care. It should not be a matter for politicians and, indeed, this was resolved some time ago. It is now being reopened in the context of a Liberal Party preselection that is coming down the line, and I think that is really regrettable. I hope that we are not going to see this sort of culture war politics being played out in the months and years ahead by the South Australian Liberal Party. In closing, I oppose this bill, and I urge all members to vote it down and to stand firm in standing up for women's reproductive rights.

The Hon. H.M. GIROLAMO (20:36): I rise tonight to indicate my full support for this bill. I commend the Hon. Ben Hood for introducing this important bill, which strikes the right balance between supporting the mother and protecting the life of the baby. Medical science has clearly progressed and demonstrated that at 28 weeks the baby is viable outside the womb. Modern medical advancements have shown that babies born prematurely at this stage have a strong chance of survival of around 97 per cent with proper neonatal care.

These babies can breathe, respond to stimuli and, with assistance, grow into healthy children. To terminate a foetus at this late point is not only ending a potential life but a life that could have otherwise thrived independently. By 28 weeks and beyond, the development of the baby is extensive. By this time the baby has a fully functioning nervous system. It can hear sounds, open its eyes, feel pain and even dream, according to medical evidence.

Abortions performed this late in pregnancy often pose significant risks to the mother's health. This procedure becomes far more complex and invasive as the pregnancy progresses. With greater risks of infection, haemorrhage and other life-threatening complications, a late-term abortion can endanger the mother's life and physical wellbeing, making it a hazardous decision for both her and the foetus.

The impact on the mother's mental health must not be underestimated and must be considered in relation to late-term abortion, given the fact that the woman would be giving birth to a baby that has died. I have grave concerns about the long-term impact an abortion at this late stage

would have, especially if the baby is terminated due to an issue with the woman's own mental health rather than termination due to the physical health of the mother or baby.

Allowing late-term abortions due to mental health issues is of grave concern, concerns of regret and potential long-term impact on the woman's mental health by choosing to have this performed on a viable baby. It should be noted that zero out of the 45 terminations were listed in the category to save the life of a woman or another foetus. Alternatives must be considered and made readily available to women facing unwanted pregnancies at this very late stage. Adoption is a practical, humane choice that allows the child to live and the mother to decide, which would potentially likely face less regret than termination of a viable baby.

In cases of unwanted pregnancies at 28 weeks, adoption offers a path that respects both the mother's autonomy and the baby's right to live. With many families unable to have children, adoption by an appropriate family is a good option. I also note that I will support the Hon. Sarah Game's amendment and thank her for putting this forward.

The late-term element of the original Termination of Pregnancy Act 2021 I found very concerning. While this was put through before I was in parliament, I believe the late-term abortion amendments that were put forward were very important, and I would have supported them if in the parliament. I believe the current bill before us protects both the mother and the baby and allows for healthy, viable babies to survive.

Most South Australians would not be aware that abortions can happen to viable babies after 28 weeks. I believe not having a clear limit creates uncertainty, and, as the Hon. Ben Hood indicated, grave concerns have been raised by a midwife for the sake of the doctors and nurses who are involved in administering such late-term abortions.

By setting a limit at 28 weeks, we create a boundary that respects both the mother's right and the reality of foetal development and provides the right balance, the right of the woman to make the choice around her body and the right of the unborn child to live when they reach this viable stage. I believe this bill provides steps in protecting both maternal health and the baby's life and also providing for unintended consequences from the 2021 act. With that, I wholeheartedly support the bill.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (20:41): I recall when the debate on the Termination of Pregnancy Act 2021 was occurring that I had discussions with some that the bill would allow abortion well past viability—that is, past the time the baby could have a good chance of survival outside the womb—and that it would be able to be done without being due to saving the life of the mother or another foetus nor because of foetal abnormality. The response was: that just would not happen.

I think that view probably reflected the view of many members of parliament and certainly most members of the public. Late-term abortion was assumed to only occur for severe foetal abnormality or to save the life of a woman. In the South Australian Abortion Reporting Committee reports for the periods since the passage of that bill, the reasons for abortion after 22 weeks and six days are provided. There have been 57 after that time. The number for foetal abnormality is 12, which leaves 45. The number done to save the life of a pregnant person or another foetus is zero—zero. That is zero for those reasons past 22 weeks and six days.

I think most South Australians would be extremely surprised by that figure and many would be shocked. But this bill, if passed, will not prevent any of those women from ending their pregnancies. The bill says that from 28 weeks gestation onwards such pregnancies would be ended by an induction of labour. Let us be clear: an abortion at 28 weeks involves the woman delivering a baby. The baby's heart is injected with potassium chloride, causing the baby to die, and this is known as foeticide. Labour then commences and the dead baby is delivered.

This bill would still enable, at 28 weeks, for the pregnancy to be ended. It would simply remove that one step that injects the baby's heart with potassium chloride. Labour would then commence and a live baby would be delivered. We have heard already from other speakers of how far developed a baby is at 28 weeks. We have heard in regard to their ability to react and in terms of

their ability to survive outside the womb at that time. I myself have a relative who was born at 28 weeks. He is now in his 50s.

I have heard some remarkable misinformation—misinformation from those opposed to this bill. One of the most extreme was a claim that a woman would be denied cancer treatment if this bill passed. Such a statement indicates an absolute lack of understanding of the bill. Let me reiterate: this bill continues to allow termination of pregnancy in that circumstance—of course it does. Induction of the delivery would occur without first ending the life of the baby. I emphasise again: an abortion at 28 weeks-plus involves the woman delivering a baby regardless. The difference is whether the baby is born alive or dead.

The Hon. Mr Simms alluded to a letter to I think he said *The Advertiser* from our Emeritus Professor Warren Jones, who was talking about his experience in the 1960s of illegal abortions and of women dying. This bill has no bearing on such experiences. This does not stop the ending of any pregnancies. The statement that was read out by Mr Simms, which I am assuming is correct, was along the lines that termination of pregnancy would be conditional on being adopted out and that would be unethical. Again, this bill does not require that. This bill simply says that the baby will be delivered alive instead of the baby being delivered dead, and then it is the choice of the woman whether to put the baby up for adoption or to raise the baby herself.

I also had contact from Professor Jones, who I understand may have been involved with briefings on this bill. I asked him some questions and I here outline his answers. I asked him: 'How does the onset of labour mentioned above'—in the circumstances I have already talked about—'differ to delivering without foeticide?' He answered:

> The foetal injection and death of the foetus sets in train the mechanisms that initiate labour. If it doesn't proceed expeditiously then an intravenous drip is required to help the uterus contract. As in a regular induction.

I repeat: his answer was 'As in a regular induction.' I then asked:

> What is the difference in risk to the woman in the two different induction scenarios?

He answered:

> If this was a 'regular' induction with a live preterm foetus the complications could be greater for the mother eg foetal distress needing a C section.

So I sought to clarify by asking:

> So is the difference in the situations you've mentioned above, that without foeticide, the woman may be more likely to need a C-section?

That is, a caesarean section. He answered:

> Yes if there was a complication such as fetal distress which threatened the survival of the newborn baby.

He further commented:

> It would be rare to do a Caesar if the fetus was already dead.

That is the end of the quote. This means we are left with a choice: the baby can be delivered alive, which may increase the need for a caesarean section in the event there is foetal distress, or the baby can be delivered dead. In both situations the woman delivers a baby.

That really brings us to what I believe this bill is trying to achieve. This is trying to achieve a balance. There is a strong message from those in the pro-life movement which says: 'Love them both'—love the woman and love the child. This bill moves closer to enabling that to occur.

There have been statements and claims about the alleged motivations of the mover of this bill, and they have been brought up and proposed as a reason to vote against the bill. I make no comment about the motivations, because what is relevant for our vote tonight is the impact of the bill if it were to pass. Is a bill that does not change the current law that allows women to end their pregnancy but does protect the life of a viable baby a law that should be supported? That is the question. It is a simple question.

Whatever the motivations—good, bad or indifferent—may be is of no concern to us when we cast our vote on this bill tonight, because the babies that do not die as a result of this bill, if it were to

pass, will not care as they get older about the motivations of the mover of the bill. They will care that they have been given the chance to live.

There have been a number of comments that this is somehow winding back women's access to abortion care, yet this bill does not prevent the termination of pregnancy. There have been comments about these late-term abortions being in the circumstances of extreme cases of threat to life or health but, as we have seen, the abortions that have been mentioned here are not for saving the life of the woman or another foetus and they are not for foetal abnormality, so again that claim is not the case.

References have been made to feedback from bodies such as the Australian Medical Association and the Royal Australian and New Zealand College of Obstetricians and Gynaecologists. I draw members' attention to some correspondence that Dr Catherine Peterson writes. She is referring to the college and says:

> [The college] provided opinions regarding the 2021 abortion law reform. However, their opinions certainly did not represent all of their membership, as they did not poll members' opinions on the legislation. Rather, their recommendations seem to represent the views of each body's executive teams.

There have been claims in speeches tonight that the proponents of this bill—and these are some of the words that have been used—have 'finally admitted' that the 45 babies referred to in their messaging is not what this bill would address, or indeed the fact that that is the situation that was in the 'fine print'. I would refer members to the second reading speech of the mover, the second reading speech when this bill was introduced, where it was clearly stated that the 45 were those aborted after 22 weeks and six days.

That speech referred to the lack of more specific data in the SA Abortion Reporting Committee reports. It says that the 45 did not have a foetal abnormality and the mother's life was not in danger. It has never been presented that this bill would have impacted on all those 45. What has been stated clearly, openly and explicitly is that that is the data that is available. What I think we can gather is that that data is insufficient.

There has been a claim that this bill would result in forced birth. Such a claim ignores the fact that an abortion at 28 weeks or more involves a birth. It involves the delivery of a baby. The baby happens to be dead. On the rationale put forward, that birth following an abortion is a forced birth. A birth occurs either way, so clearly the argument is spurious.

The Hon. Mr Simms referred to forced adoptions and the past impacts of forced adoptions. This does not propose forced adoptions. This proposes delivery of the baby. The baby is alive. The woman can decide whether to keep the baby or put the baby up for adoption. There is no forced adoption as a result of this bill if it were to pass.

The final thing that I will mention is that some have said this bill would be pointless even if passed because it would have an impact on so few. On the information available—I believe it was a statement from the Minister for Health—five babies have had their lives terminated during the period of time past 27 weeks and six days.

I would put to the chamber that if five newborns in an intensive care unit had their lives deliberately ended would we say, 'Never mind, it's only five'? I submit that we would not. I therefore submit that this bill has the potential to protect such lives. This bill does not prevent any woman seeking an abortion past 27 weeks and six days ending their pregnancy. Therefore, this is a bill that should be supported and I commend it to the chamber.

The Hon. C. BONAROS (20:53): I quote:

> The bill does not impinge on a woman's right to choose a termination. After 27 weeks and six days, the baby must be delivered alive but the pregnancy is still terminated, the baby is just put up for adoption should the mother choose not to keep it.

They are the words of the mover of this bill in the public domain. I have said publicly with respect to the member that I do not think I have heard more objectionable words used to describe the termination of pregnancy than those, because there is nothing 'just' or simple about the decisions that women in these positions find themselves in and there is certainly nothing simple about making a decision to put a baby up for adoption.

It is that sort of rhetoric, I think, that insults those facing these often heart-wrenching, heartbreaking, no-win situations more than anything else. You do not wake up one day and decide, 'I no longer want to be carrying this baby,' at that late term and expect to turn up at a specialist clinic and say, 'Get this out of me,' and have a specialist say, 'Okay, let's go.' Unfortunately, that is the sort of public message that has been sold in this debate, which has caused great pain not just to everyone in here but to those women who have had to undergo those procedures that none of us who have not been through that experience will ever be able to comprehend—none of us.

I have to say, like I have said in response—and I have kept my public comments very brief about this—sadly, life is not all about rainbows and unicorns, and pregnancies are not always filled with teddies and pink, blue and even yellow balloons. No-one makes this decision easily. It pains me greatly and, I am sure, other people in this place to think what any woman who has found herself in this position has been confronted with over recent weeks. It pains me to think that there have been 45 teddies lined up outside Parliament House without once thinking about the impact that has had on a woman who wanted nothing more in life than to become a mother but had no option other than to access a late-term termination of pregnancy.

These discussions, I am afraid, in my view and I am sure in that of many others, have been full of judgement and devoid of any ounce of compassion for those women, and they have absolutely no place in this space. Unless and until we have walked in the shoes of any woman facing what these women face, we have absolutely no right to cast judgement on any of them. In fact, we have no right to judge any of them, full stop.

I echo the sentiments expressed this evening by the Attorney, the Hon. Tammy Franks and the Hon. Robert Simms in relation to the motivations in this bill, because, with respect again to the mover, no MP who is serious about law reform in this area would come to this place in the timeframe that we have, making flippant and offensive remarks and selling a story full of misinformation and disinformation—despite what the Hon. Clare Scriven has just said—and spruiking the idea of adoption, which we know it exists today anyway but which, I might add, features nowhere in the legislation before us. We do not know how that part of the scheme is going to work. We are just told, as I made reference to, that we are just going to put up for adoption a child, a baby, a foetus, whatever you want to call it—and it has been called everything this evening—after a forced live birth.

During the first debate that was had on this, I spoke of a case—and I know the Attorney at the time referred to it in the lower house—of a 13-year-old girl with significant mental impairment, who was raped by a family member. Her mental impairment meant that she did not understand the abuse that was being levelled at her. We hear a lot about child rape and abuse in this place from those members opposite. The most difficult part of that case, which is relayed in the 560-odd page report, which we have all had the benefit of but has not featured in this debate at all, is having to explain to that 13-year-old child that, as a result of a rape that she did not understand, she was pregnant. That pregnancy was not discovered until late term, and she wanted that pregnancy gone; she wanted it out of her body.

To think that we would deny a child who has been sexually assaulted and raped that sort of procedure fills me with absolute dread. It also fills me with dread to think of a mother who is carrying multiple pregnancies—so twins—put in the awful predicament of being told that one of her foetuses can survive if the other does not but being forced again in that late term to give live birth to those and hope for the best at the end of the procedure.

I am not going to dwell anymore on the emotive and what I think is objectionable sort of stuff that has surrounded this debate other than to say one thing: I do not appreciate walking out of this place during my dinner break and being told, 'I hope you will not vote in favour of killing innocent children.' That is the sort of messaging that everybody in this place has received because of the campaign that has been run.

I remind the Hon. Laura Henderson about this. I appreciate these members were not here at the time, but that 560-page report was a huge body of work that informed that debate and it took a long time to get to that point. We did not just come in here and vote. We had the benefit of advice, painstaking advice that was commissioned by a Liberal Attorney-General at the time and was

independent and devoid of political views. That is the advice we based our vote on in the previous round of this debate.

I understand that when you come here as a new member you will want to revisit these things, but please do not do so in the absence of the sort of advice that is available to you through things like the SALRI 560-odd page report that this chamber debated and considered extensively during that debate.

I will turn now to some of the issues more specifically that I think ought to be placed on the public record and this is really the only reason I chose to speak this evening. I think they are important because most people who are familiar with this debate will know the role that Katina D'Onise played in the previous debate. She is a medical doctor. She is an epidemiologist. She is an expert in this field and she informed much of the debate that we had when this bill was passed.

She has made the point very well about why the current legislation is working and it is working as health care and the existing law is in line with best practice. It is in line with the World Health Organization Abortion care guideline. It is in line with the advice that has been given by the RACGP, RANZCOG, The Royal Australian & New Zealand College of Psychiatrists, and the Australian College of Midwives.

The fact that we have suggested that all someone needs to do is go and get the opinion of two doctors and that is enough to get an abortion, as Katina has said, really undermines the role of our specialists and our medical practitioners in this area. It completely undermines the legislation at a state and national level, as she has said, that governs medical practice—the codes of conduct, the policies, the consent to health care, the training that medicos have to undergo before they even specialise in this area. It is something like 20 years of training that someone will have to undergo before they are even fit to make a decision in relation to the sorts of terminations we are talking about, times two.

The reality is that if anyone finds themselves in this situation, much like any other medical care, it is inevitably going to be a multidisciplinary team, including midwives and others who are actually providing that advice. So while you might need the sign-off of two specialists who are duty bound, legally and ethically, by myriad guidelines and codes of ethics and laws, the reality is that there will be, and most likely are, many other medicos, including midwives, who are working with that woman in relation to a late-term termination.

What Katina has made very clear is that that system is incredibly complicated and it does not even include the additional guidelines and requirements that would kick in at a hospital level. So we are not talking about, as has been put to me, as was put to me just before the dinner break, 'If I go and get my GP to say that I can have a late term abortion and I get another doctor to tick off on that, isn't that enough?' because that is the message that we are sending out publicly through the sort of rhetoric that has been bandied about in this debate, and it is utterly, utterly false.

It also goes against every single principle that a medical specialist, as I said, is bound by. I think the last point that Katina made, which should not be lost on any of us, is that in talking about this we really are saying that we do not trust doctors or specialists, we do not trust that they are going to make the right decision for that woman or for that foetus or baby—and nothing could be further from the truth.

I think the other important point that has not been canvassed quite as well as it should be or should be on the public record is the point surrounding the issue of foeticide—and I note the Hon. Nicola Centofanti's emotional contribution in relation to this—and the advice that has been received in relation to the suggestion of the inhumane way that these procedures are undertaken. The PAC in particular has made it clear that the sedation that is required of a woman prior to the procedure also means that the foetus in question is sedated at the time and that is evidenced by the fact that when drugs are administered there is no movement in that foetus.

These are not points that have been raised during this debate as well, and I refer that particular point, which can be fleshed out further, particularly in response to the contribution by the Hon. Nicola Centofanti and the Hon. Clare Scriven. Insofar as Professor Warren Jones's contributions and the commentary that has been provided by the Hon. Clare Scriven, I would say

this: there is a lot to be said about promoting maternal deaths, and if we look at the United States situation, 26 states in the US, the mortality rate in those states since their changes to law is 29 per hundred thousand, versus 19 per hundred thousand in the rest of the nation. That is quite telling in terms of the impacts that these rates have had on the lives of women.

I agree with all the sentiments that have been expressed by my colleagues here today, and I do not intend to speak to this at much length, other than to say that I think everyone has the right to be disappointed with the way that this debate has been brought to this place and I mean no disrespect to the mover, but if we are serious about doing this, and no doubt we will be back here again, then please next time allow sufficient time for there to be—

There being a disturbance in the gallery:

The PRESIDENT: Order! At the front of the gallery, if you want to speak, go outside.

The Hon. C. BONAROS: The door is there.

The PRESIDENT: You have been told. Continue.

The Hon. C. BONAROS: Allow sufficient time for there to be appropriate debate. If you want to undermine the work of 560 pages by drafting a bill that has the endorsement of one professor of law at a university, more power to you, but do not come here and expect us to give you our support for that piece of legislation.

The Hon. R.P. WORTLEY (21:09): I was not intending to speak on this bill tonight but I thought it was probably important enough, listening to the debate, that I give reasons and justification for why I will vote the way I will vote. I think most people in the gallery here have very strong views one way or another, and I think I owe it to them to actually put on the record why I am voting the way I am going to vote.

Before I do, I just need to know, just for the record, from the Hon. Mr Hood: who did you consult during the public consultation on this bill, if you could, please?

The PRESIDENT: No, the Hon. Mr Wortley, you can ask questions during your contribution. The Hon. Mr Hood may choose to answer them in his summing up but it is not going to go backwards and forwards like that.

The Hon. R.P. WORTLEY: No, that is the only question.

The PRESIDENT: That was it? You have sat down.

The Hon. R.P. WORTLEY: I thought he might have wanted to—

The PRESIDENT: No, this is the second reading speech.

The Hon. R.P. WORTLEY: Alright. As members of this parliament we have obligations, and it is a great privilege actually to stand here and be able to vote or introduce private members' bills in this parliament. But with that privilege you also have very great responsibilities. Some of those responsibilities would be that there is wide public consultation, that you consult with the experts in the industry and those people who are interested in this issue, that it is in the interests of the people of South Australia, and it is not going to put lives at risk. They are only a few of the issues which I, as a member of this parliament, have to take into consideration.

I have no idea what public consultation has taken place about this, but I imagine a Ms Joanna Howe, who has been mentioned here by the Hon. Ms Henderson, has had a lot to do with the formulation of the bill that we are debating today. I have read the correspondence from Ms Howe—

The Hon. C.M. Scriven: Dr Howe.

The Hon. R.P. WORTLEY: Dr Howe. A medical doctor?

The Hon. C.M. Scriven: Law.

The Hon. R.P. WORTLEY: Law, yes, not a medical doctor, thank you. I have read the information that has been given to me and I have noticed a couple of things. There are no sources or references about the position she takes, and it is not supported by her employer, the University of

Adelaide. I think that is very important especially when Dr Howe has been used as the public voice of this campaign. I think it is important that we put it in perspective as to what happened.

I also have letters here from a Georgia Davies-Thain who herself has written to me basically debunking a number of the allegations, or some of the information given to us as members of parliament. I will not go through all these letters but Ms Davies-Thain is a qualified criminologist with experience in policy advocacy, human rights and research.

She debunks every single item which has been given to me by Ms Howe, but the one that I will read here today is item 4, 'healthy and viable' babies were 'killed' in 2023:

> The basis for the Private Member's Bill from the Hon. Ben Hood MLC is the 0.96 per cent of 1 per cent of terminations (47) to occur in South Australia in 2023 that were carried out after 22 weeks and 6 days. Prof. Howe alleges that 'healthy and viable' foetuses were involved in all 47 of these approved terminations.
>
> This misrepresents the data collected by the South Australian Abortion Reporting Committee for 2023. Table 6 within the 2023 annual report provides the number of terminations approved after 22 weeks and 6 days gestation by the reported grounds of the termination (according to section 6 of the [Termination of Pregnancy] Act 2021) but no data included in the annual report provides any detail of a health or gestational viability assessment conducted in relation to any foetus. Prof. Howe has no basis to claim that any foetus was 'healthy and viable'.
>
> Prof. Howe utilises a single journal article to justify claims that any foetus at 22 weeks and 6 days gestation is considered 'healthy and viable' which is not a sound practice…The size of the study and the specialised healthcare provided mean the results of the article cannot be considered generalisable.

Secondly, members in the gallery and members in this chamber have access to information from a wide variety of professional sources, both medical and legal, so we have to take into consideration when we read this, when we have to make up our minds on how we are going to vote. We should never vote in this chamber based on emotion. It should always be based on advice, professional advice. Not to do so would certainly result in some very bad legislation being passed through this chamber. SHINE has stated:

> …Termination of Pregnancy (Terminations and Live Births) Amendment Bill 2024
>
> SHINE SA is South Australia's leading sexual and reproductive health organisation and has been providing services to vulnerable communities in South Australia since our inception as the Family Planning Association of SA in 1970…
>
> The Bill contradicts South Australia's evidence-based termination of pregnancy laws…
>
> South Australia's existing termination of pregnancy laws rightly centre the health and wellbeing of pregnant people and reflect the views of the majority of South Australians who support accessible, safe, and compassionate abortion care. The Bill introduced in the Legislative Council is out of step with Australian and international termination of pregnancy laws and is out of touch with the community's prevailing views on reproductive healthcare.
>
> Abortion, including late-term abortion, is a deeply personal decision that should be made between a pregnant person and their expert medical team. We know that the late term abortions are extremely rare (with less than 5 occurring since the change in laws came into effect in 2022), and that when they do occur, they are often under tragic circumstances, which are highly complex and medically dangerous either to the pregnant person or their fetus. It is false to claim there is an issue of many otherwise viable or healthy pregnancies terminated at this late stage…
>
> The people of South Australia deserve the respect of our legislators to determine with their healthcare providers what is safe and right for them and their health, considering their circumstances.

That was SHINE. Then we have the Australian and New Zealand College of Anaesthetists:

> There are no Australian and New Zealand College of Anaesthetists…documents that establish a college position relating to this Bill.
>
> [They recognise] that the Royal Australian and New Zealand College of Obstetricians and Gynaecologists are experts in this complex area and we refer you to [them].

From the Royal Australian and New Zealand College of Obstetricians and Gynaecologists:

> RANZCOG is strongly opposed to this bill…The College agrees that the bill is severely flawed…as Dr Waterfall has also very capably explained in the media, the circumstances imagined in the rationale for this bill are so rare as to almost never occur.
>
> …there are serious practical problems with [the bill]…

Sadly, this bill dictates to women what they can and can't do with their bodies without regard for the health care needs of either the mother or the fetus…We would prefer that all elected members of Parliament vote against this bill…

We also have the Royal Australian and New Zealand College of Psychiatrists, which states:

The RAZNCP supports the existing Termination of Pregnancy Act 2021 and does not see any need to modify the existing legislation, which prioritises the care of the mother and their obstetric needs.

[We believe] the proposed legislation is based on an unrealistic view of the real-world experiences of women considering or undergoing [termination of pregnancy] and what the consequences of the Bill's proposed changes would be, including from a mental health perspective.

Late [termination of pregnancy] at the stage under discussion is very rare and decisions to do so are based on the woman's physical or mental wellbeing, or the foetus' physical circumstances. Decisions around [termination of pregnancy] should be made by the individual in conjunction with appropriate support from qualified health professionals as defined in the existing Act, and the person's support network…

[We consider] that women's health, wellbeing, autonomy and welfare should be the central objective of [termination of pregnancy] law reform…

Legislation should not interfere with people being able to exercise their rights to terminate a pregnancy. We are also concerned that this proposed legislation would be discriminatory against women who are from disadvantaged or disempowered backgrounds.

Decades of data collection in SA concerning TOP [termination of pregnancy] show that, while it is a commonly performed and evidently needed service, the overall rate of the procedure itself shows a long-term downward trend. The accepted facts that no method of contraception is 100% effective, and that occasionally individual factors of a given pregnancy can represent a threat to the life and/or mental health of the woman, demonstrate that there will always be a need for [termination of pregnancy] in South Australia.

[We echo] the concerns raised by RANZCOG in relation to the Bill. These proposed changes could have long lasting psychological impacts on the individuals involved.

[We are] the peak body representing psychiatrists in Australia and New Zealand. Its roles include support and enhancement of clinical practice, advocacy for people affected by mental illness and it plays a key advisory role to governments on mental health care. [They represent] 8500 members, including more than 500 psychiatrists and those training to qualify as psychiatrists in South Australia.

The Law Society of South Australia states:

As you will be aware, the Society supports the decriminalisation of abortion in South Australia, noting the initial Termination of Pregnancy Bill 2020 followed a 2019 review of abortion laws by the South Australian Law Reform Institute…The Society had noted a preference for the Bill passing Parliament as introduced and, on several occasions, expressed a view that abortion is a medical issue and should be regulated under health laws and regulations.

The Society did not express a view as to the imposition of a gestational limit, however…recommended against the imposition of a gestational limit generally, or an alternative approach whereby after 24 weeks gestation, an abortion may be performed by a medical practitioner where two medical practitioners agree that the procedure is medically appropriate.

A further letter states:

We are a group of concerned midwives working in South Australian universities. We are writing to express our opposition to the Private Members Bill proposed by Mr Ben Hood that is currently before the Legislative Council.

This Bill, which advocates for forced birth, fundamentally violates human rights principles and contravenes core biomedical ethical principles…The proposal to induce premature labour and birth, followed by the significant medical care required for preterm infants, culminating in forced adoption, is ethically indefensible.

Midwifery philosophy of care is grounded in the ethical principles of justice, equity, and respect for human dignity. Reproductive autonomy is essential to gender equity and reproductive justice. In countries where women and gender diverse people are not able to access safe abortion, maternal mortality rates increase significantly.

I have a letter here from Emeritus Professor Warren Jones AO MD PhD, formerly head of O and G, Flinders Medical Centre. I will not read out the *Tiser* letter, because Hon. Mr Simms has done that itself. Professor Jones writes:

I attach a *Tiser* published letter which summarises my position on legalised termination of pregnancy. I spent 45 years of my specialist medical career caring for pregnant women and their newborn babies. During this time I, my colleagues and my students followed an ethical and moral edict determined by the rights of the woman and her baby and which recognised that these rights were immutable in the absence of legal rights of the embryo and unborn foetus. I hope that you are able to accept that Hon Ben Hood's proposed Termination of Pregnancy Amendment Bill, will force

seriously ill women in late pregnancy to choose a course of action that could endanger their lives. Avoidable maternal mortality is central to the ethical and moral framework of our society, whose compassionate and responsible members should be appalled at the implications of this Bill. The unethical actions prescribed in the Bill and their impact on the safe, professional and legal practice of obstetric care in this country have been identified and condemned by the Royal Australian and New Zealand College of Obstetricians and Gynaecologists. These considerations compel me to ask you to vote against the bill.

The Commissioner for Children and Young People:

I am writing to express my opposition to the abovementioned bill which claws back the amendments made in 2021. The current Act was drafted after extensive consultation with relevant interest groups; including faith groups, the disability sector, medical and legal sectors and NGOs and Expert Forums in regional locations as well as over 2,885 online responses from the YourSAy consultation and clearly represents current expert evidence and community views.

The current Bill introduced, by the Hon BR Hood, appears to have been drafted with no apparent public consultation and without reference to the South Australian Law Reform Institute or consideration of international law and rights conventions, including the UN Convention on the Rights of the Child.

So this is the information we have—

Members interjecting:

The PRESIDENT: The Hon. Mr Wortley, I know you are about to conclude, but the Hon. Ms Scriven, the Hon. Mr Ngo and the Hon. Ms Bonaros, the three of you, if you are going to have a discussion, go outside. I have tried to keep this as quiet and respectful as possible. I do not want conversations in the chamber. The Hon. Mr Wortley, I am sure you are about to conclude.

The Hon. R.P. WORTLEY: I have just a few more minutes, Mr President.

The PRESIDENT: Yes, let's hear it.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: For those in the gallery who are here today to witness this debate and discussion regarding this bill, you need to understand that when I am going to vote I have all this information from numerous associations representing tens of thousands of medical specialists. I do not agree with the Hon. Ms Scriven in saying that there has been no consultation withing these organisations and the decisions are normally made by the executive. That is not quite true.

In the past some associations have—not on this issue, but there may be associations that have expressed views without consulting with their membership. But I tell you: the medical profession are very strong in their ethical stance on issues, and under no circumstances would any association—any medical association or the law reform society—put out a position, a public submission, in regard to an issue as important as this without consulting their membership.

So I have a decision to make here today. Do I follow all the legal advice, all the medical advice that has been put to me on behalf of tens of thousands of doctors, or do I go on a few pages of notes here from a person who really is doing it as an opinion? It is unpublished. There has been no peer assessment of Ms Howe's position on this—which is quite convenient, I must say, not having it published. But I think it is important that you understand that, naturally, I have to go with the advice and the position of the tens of thousands of medical professionals who, on behalf of their associations, have written to me regarding this.

I have been involved in numerous social conscience issues over time. They are always very emotional. I know that many of us here and many people in this chamber in the past have been brought to tears because they understand how strongly people hold their views and they also know how much of a burden is on their shoulders when they cast their votes. But one thing is important: we have to do it based on proper advice. We have to do it because not to do it would lead to some very bad legislation—legislation which people who support this bill now might not like in the future. So it is one of the responsibilities that we have.

I have spent many years representing people of all natures in my lifetime. I have been 18 years in this parliament and, as I said, I take my job very seriously. It gives me no joy knowing that there are people in the gallery who are very—

The PRESIDENT: The Hon. Mr Wortley, stop referring to people in the gallery. You know it is out of order.

The Hon. R.P. WORTLEY: Mr President, I will refer to you.

The PRESIDENT: Address your remarks to me.

The Hon. R.P. WORTLEY: Through you, Mr President, I understand there are many people in the gallery who are very strongly committed to their views. I must say that it is with, well, not sadness—I actually believe in what I am going to do—but I will be voting against this bill. I thought I owed it to everyone to understand why I have done it.

The Hon. F. PANGALLO (21:31): It is not because things are difficult that we do not dare; it is because we do not dare that things are difficult. Abortion is difficult, confronting and controversial. It is divisive, polarising the ideologies of the left and the right. Why is it that some are filled with such odium towards those with an opposing view? I want to pay tribute to the Hon. Ben Hood and to Professor Joanna Howe for being so passionate, brave and courageous in the face of unspeakable intimidation and threats to their wellbeing.

This debate does not have to be driven by detestation or hostility. I want to read a post that has been posted a short time ago by the Hon. Tom Koutsantonis, and it is quite a poignant post on his Instagram page. It shows two hands, those of the Hon. Tom Koutsantonis, placing his wedding ring around the foot of his first daughter, Tia, who was born 12 weeks premature weighing just over one kilogram. Mr Koutsantonis writes:

> She was so tiny my wedding ring could fit around her little foot and we were forced to buy her clothing that was made for children's dolls because baby clothes weren't made small enough for premature babies. Today she is a beautiful young woman with the world before her.

Of course, the word 'abortion' does not appear in that post but, knowing the Hon. Tom Koutsantonis, I think that is the message that he is delivering tonight.

An honourable member interjecting:

The Hon. F. PANGALLO: I guess he may be posting something to me now. I am disappointed in some of the things I have heard tonight and also in something that just went on a short time ago in front of me, where pressure was being put on another member. It is just unacceptable.

Just going back to Mr Koutsantonis's message. I think what it conveys is the sanctity of life. I believe the bill before us is borne out of compassion and the right to life of the unborn, as well as the mother. I respect every opinion that has been put to this chamber this evening. Bill Clinton put abortion in some balance this way, 'Safe, legal and rare,' and this still applies. I will be supporting the bill and the Hon. Sarah Game's amendment.

The Hon. B.R. HOOD: I wish to thank my colleagues who have contributed to this debate. The Hon. Kyam Maher, the Hon. Connie Bonaros, the Hon. Dennis Hood, the Hon. Sarah Game, the Hon. Nicola Centofanti, the Hon. Tammy Franks, the Hon. Laura Henderson, the Hon. Robert Simms, the Hon. Heidi Girolamo, the Hon. Clare Scriven, the Hon. Russell Wortley, the Hon. Jing Lee and the Hon. Frank Pangallo.

I appreciate that this will always be a sensitive and emotive issue, but it is not one that we should shy away from. In the editorial in the *The Advertiser* only a few weeks ago this bill was described as 'radical'. What is radical is that this bill, if enacted, would address the most extreme aspects of the current legislation, which effectively allows the ending of the life of any foetus, at any moment before birth, even in the third trimester of pregnancy. I believe that the editor of *The Advertiser* acknowledged this because they continue to say that it is clear that the current act needs to be reviewed; that that reform is needed.

This bill explicitly continues to permit abortion on demand up to 28 weeks, giving South Australia one of the most extreme abortion laws in the world, surpassed only by a handful of countries, including China and North Korea. No European countries, where abortion is typically heavily restricted after 12 weeks, have a law as permissible as even the proposed amendment. The UK reduced the abortion limit from 28 weeks to 24 weeks in 1990 because, 34 years ago, medical science had progressed to that point.

This bill seeks to protect vulnerable lives, humanely treat viable unborn children and preserve compassion in our laws. The Termination of Pregnancy (Terminations and Live Births) Amendment Bill 2024 is not about taking away a woman's rights or limiting her autonomy; it is about drawing a clear and humane line once a baby reaches viability at 28 weeks. This bill ensures that after 28 weeks, if a pregnancy is terminated, the baby is delivered alive, given a chance to survive, rather than being deliberately killed through foeticide. This is not an attack on women's rights; rather, it is a step forward on how we balance those rights with the undeniable fact that a child of 28 weeks is capable of living a full life outside the womb?

I have at every point in this debate, as it has played out on social media, in the papers and in this place, remained considered and respectful. I have tried to play a straight bat. I have heard tonight—and, indeed, I have heard on the radio—many questions about my motivation and, as I have said numerous times on the radio, I utterly, utterly deny any suggestion that I would do this as a politically motivated piece of legislation. This is something that is on my heart. This is something that hundreds of people in South Australia have spoken to me about. This is something that I want to do because it is right and it is just.

There have been death threats. There have been a litany of false claims made against me personally, against this bill and against those who would support it. And, for the record, I need to address some of these claims from the media and from others. The claims of forced birth: opponents of this bill have tried to paint a picture of women being forced to carry a pregnancy they no longer want and then forced to deliver that child. But the reality is that once you reach 28 weeks, any termination of pregnancy already involves birth. Whether that is through induced labour or caesarean section, birth is inevitable.

To be clear, a woman in the third trimester has no other option than to birth her baby. It is the only way to remove the baby from her body. The only difference with this bill is that we are stopping the unnecessary and brutal act of foeticide, the killing of a baby before it is delivered. I note that only one of my colleagues who has opposed this bill has even referenced the process of foeticide. So, when it is said that this bill forces birth, this is either a misunderstanding of the process or intentionally misrepresenting it. This bill does not change the fact that a pregnancy must still be ended through birth. The only difference is that the baby will have a chance to live.

Regarding the claim of medical necessity, I have heard time and time again that foeticide is something necessary to protect the health of the mother. Despite these claims, not a single example has been provided where killing a viable baby after 28 weeks is required to save the mother's life. That is because there is no medical condition where foeticide is essential at this stage. In fact, performing foeticide adds unnecessary risk to the mother.

As experts, such as neonatologist Dr Melissa Lai—who has been consulted on this bill, the Hon. Russell Wortley—have pointed out, injecting potassium chloride to stop a baby's heart can lead to complications, such as infection or in rare cases the injection being mistakenly administered to the mother. The safest and the most effective practice in these cases is early delivery, delivering the baby and providing both the mother and the child the care that they need. This is quicker and safer for the woman. This is what obstetrics already do in emergencies, they act swiftly to deliver the baby, not to end its life.

Many have argued about the health impacts of the baby. Yes, born prematurely does carry risks, but let me be clear: babies born after 28 weeks have at least 96 per cent chance of survival with modern medical care. They are not condemned to a life of suffering. Most will grow up healthy and thrive, and we cannot use the possibility of some complications as a justification for ending life. These children are not statistics, they are living, breathing beings who deserve the chance to live.

We also must reject the offensive argument that was made by the Royal Australian and New Zealand College of Obstetricians and Gynaecologists that somehow these babies are less valuable because they might face developmental challenges like lower IQ. Are we really prepared to devalue lives based on their potential intellectual abilities? By that logic, are we suggesting that millions of Australians who are born prematurely are somehow inferior?

It has been suggested that premature babies could be at risk of ADHD and that this is somehow a valid reason for termination by foeticide instead of live birth. Well, my son has ADHD and I would not change him for the world. If this legislation can be described as the worst seen then these arguments are quite honestly the worst I have ever heard. It is not only wrong but deeply unethical. Every life has inherent value regardless of the circumstances of birth.

RANZCOG have also stated in communications to MPs that the circumstances for this bill are so rare to almost never occur, yet in the same letter it claims that the neonatal health system resources are nowhere near sufficient to meet the theoretical demand if this bill passes. Well, what is it? This letter also grudgingly acknowledges that some of their members do not share the college's view on this issue.

Opponents have continued to downplay the number of late-term abortions, suggesting that they are rare and that supporters of this bill are making false claims, but the fact is in the last 18 months 45 healthy, viable babies have been killed through foeticide. We do not know the gestational age of these babies, except for the fact that they were past 22 weeks and six days, because the data does not give us that information—and I ask why doesn't it?

Why did it take this bill for the health minister to then present data from SA Health that only—and using his words—only five babies have been killed in utero past 28 weeks but all before 29 weeks. This bill seeks to prevent the unnecessary loss of life. These were not children with severe abnormalities. These were not cases where the mother's life was at risk. These were children who could have lived.

As I have referenced in my second reading speech, midwives from Flinders Medical Centre have confirmed to me that babies as late as 35 weeks have been subjected to foeticide in the past six months. We need to know this data, not yearly, as is the current practice with the SA Abortion Reporting Committee, and then only given numbers past the age of viability, but in detailed numbers. The people of South Australia have the right to know this data and I call on the minister to ensure it is released. It should not take a bill like this to force him to acknowledge what is happening in this state.

I also want to make this point: in the one state that does release late-term abortion data by reason and gestational age, we see the type of impact the bill would have had. Victoria introduced its own version of our Termination of Pregnancy Act in 2008. If after 18 months it had passed law like this live births bill, many distinct individual and unrepeatable lives would have been saved.

In Victoria, between 2010 and 2020, there were 28 healthy, viable babies killed in the third trimester and up to birth. These babies were perfectly healthy. Their mothers were physically healthy. They were killed for a mental health reason. One of those 28 babies who was injected with potassium chloride in utero and delivered stillborn was 37 weeks' gestation. This is full term. This bill allows us to correct a wrong when the Termination of Pregnancy Act was passed in 2021, and it will save lives.

In all of this many have asked me genuine, thoughtful questions, wanting to understand this bill, shocked that late-term abortion happens in SA. Many have asked what happens to these babies if they are delivered early. The answer is simple: they are cared for. They are admitted to neonatal units, receiving the best medical attention available. If the mother does not wish to keep the baby, adoption is a compassionate alternative.

I do acknowledge and regret the language I used in a radio interview that the Hon. Connie Bonaros has pulled me up on. I did not mean to use the word 'just'. It did come out. I acknowledge and regret that language because you do not 'just' adopt a baby, you do not 'just' abort a baby. I want to put that on the record.

South Australia's Adoption Act provides a clear and supportive framework for mothers who wish to place their child for adoption. There are no forced adoptions in this process. Families are

wanting these children, families who would love and care for them. There are very few adoptions at present in SA because children are getting aborted instead of adopted. But given one in six couples are infertile and many couples turn to intercountry adoption, we know there are many couples in this state desperate to adopt.

Much has been said about me being a man bringing this bill to parliament, that this bill is anti-woman. The two rallies held on the steps here at parliament were attended predominantly by women. This bill, far from being anti-woman, was drafted with the assistance of eight women, legal and medical experts who know firsthand the challenges women face.

In particular, I want to thank Professor Joanna Howe, who led the legal team, and Senior Neonatologist Dr Melissa Lai, who led the medical team. I want to acknowledge the other people who spent a significant amount of time drafting this bill. They do not want to be named for fear that they will be deregistered, that they will lose their licences or be subjected to the vicious trolling and the death threats that I have received.

I also wish to thank the midwives who reached out to me anonymously at the risk of their jobs, the many people who have expressed their support for this bill, the thousands of people who have stood on the steps of parliament in support, and other legal and medical experts who have written to the members of the council to support this bill, namely medical doctor and Senior Research Fellow, University of Oxford, Dr Calum Miller; Senior Gynaecologist Dr Simon McCaffrey; and GP Dr Catherine Peterson. I also want to thank Jodie and her team from Love Adelaide, ACL, Family First and all the people who have sent messages of support.

This is not about limiting women's choices: it is about giving the choice to deliver a baby alive instead of stillborn and protecting viable life where it exists. This bill represents balance, a balance between a woman's right to make decisions about her body and the viable baby's right to live. It allows women to retain full autonomy over their body. The only intervention of this bill is to prevent her exercising autonomy over a baby's body by intentionally inducing death.

The rationale for preventing death is that after 28 weeks we are no longer talking about a potential life but a real one, one that is capable of surviving outside the womb. The bill does not ask women to carry a pregnancy to term against their will by banning termination past 27 weeks and six days. It does not ask them to raise a child they are not ready to care for. It does not ban termination of pregnancy at any point. It does ask us, though, as legislators to recognise the value of life once it becomes viable. It asks us to love them both. I urge my colleagues to support this bill. I note that I will be supporting the amendments from the Hon. Sarah Game. I commend the bill to the house.

The council divided on the second reading:

Ayes 9
Noes.....10
Majority 1

AYES

Centofanti, N.J.	Game, S.L.	Girolamo, H.M.
Henderson, L.A.	Hood, B.R. (teller)	Lee, J.S.
Ngo, T.T.	Pangallo, F.	Scriven, C.M.

NOES

Bonaros, C.	Bourke, E.S.	El Dannawi, M.
Franks, T.A. (teller)	Hanson, J.E.	Hunter, I.K.
Maher, K.J.	Martin, R.B.	Simms, R.A.
Wortley, R.P.		

PAIRS

Hood, D.G.E.	Lensink, J.M.A.

While the division was in progress:

There being a disturbance in the gallery:

The Hon. I.K. Hunter: Stop it!

The PRESIDENT: The Hon. Mr Hunter! The gallery, leave. If you can't be quiet, just leave.

An honourable member interjecting:

The PRESIDENT: Order! I will deal with this. Silence!

Second reading thus negatived.

SURVEILLANCE DEVICES (PRESCRIBED RESIDENTIAL PREMISES) AMENDMENT BILL

Introduction and First Reading

The Hon. F. PANGALLO (21:55): Obtained leave and introduced a bill for an act to amend the Surveillance Devices Act 2016. Read a first time.

PET FOOD (MARKETING AND LABELLING) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 19 June 2024.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (21:58): I rise as the lead speaker for the opposition on this bill and indicate that the opposition is supportive of the Pet Food (Marketing and Labelling) Bill 2024 which was introduced into this chamber by the Hon. Frank Pangallo on 19 June. The bill would establish a regulatory framework for the marketing and labelling of pet food and would create a tranche of new offences to do with the labelling and marketing of pet food.

The four offences would cover retailers, producers, wholesalers and marketers, respectively, each prosecuting branches of labelling requirements under Australian standard AS5812:2023 (Manufacturing and marketing of pet food—cats and dogs). It is important to note that there is currently no existing regulatory requirement to meet AS5812:2023.

Additionally, clauses 8 and 9 provide for the appointment of authorised officers and general investigatory powers for the purposes of the act. Clause 10 would create an offence of hindering an authorised officer, with a maximum penalty of $5,000. Clause 11 would create an offence of providing false, misleading information, with a maximum penalty of $5,000. Clause 12 would provide for general regulation and fee-setting powers.

I would like to acknowledge the hard work of Carolyn Macgill from the Pet Food Industry Association Australia who, along with her team, have been working hard to raise awareness of the lack of regulation of the pet food industry here in South Australia. The Pet Food Industry Association of Australia was established in September 1972 to promote standards of excellence in the pet food industry in Australia.

The mission of the association has been to promote standards of excellence in the development of the pet food industry through the consideration of the needs of pets and the community, active promotion of the benefits of responsible pet ownership, and the promotion of prepared pet food as the preferred method of pet nutrition, and reinforced through establishment and self-regulation of industry standards.

The Pet Food Industry Association of Australia provides certification for all members who meet AS5812:2023 for its long-advocated-for regulatory requirements in line with those the subject of the bill. As a mixed practice veterinarian for 15 years prior to entering parliament, I absolutely understand that the regulation of pet food is crucial in ensuring the health and safety of our beloved pets as it plays a vital role in maintaining the quality and integrity of the products they consume. Pets

are cherished members of many families and their nutrition significantly impacts their overall wellbeing and longevity.

Regulatory frameworks help establish essential standards for ingredient sourcing, manufacturing processes and nutritional content, thereby preventing harmful additives, contaminants and substandard ingredients from entering the market. Without these regulations, the risk of foodborne illnesses and/or nutritional deficiencies can rise, posing serious health threats to pets.

Moreover, consistent oversight is necessary to ensure that pet food labels are accurate and informative. This transparency allows pet owners to make informed choices about their pets' diets, catering to specific needs, such as allergies, age and health conditions. Clear labelling also promotes accountability among manufacturers, encouraging them to prioritise quality and safety in their products.

I do note that the bill contemplates regulations, which might exclude certain persons from the operation of the act, and I believe this is important as there are circumstances, such as the selling of homemade dog treats at a fair or market, which we clearly do not want to be the target of this legislation. I think it is sensible that the act provides for that.

Whilst the opposition is supportive of the bill, I do think it is pertinent to address some of the challenges that a piece of state legislation like this bill might potentially face because of what is generally a national industry and the reasons I would like to see this issue taken up by our federal colleagues for national consistency. When only one state regulates pet food labelling and marketing, it can create significant challenges in enforcement and consistency across the industry.

Since many pet food brands operate on a national scale, varying regulations can lead to confusion and complications for manufacturers trying to comply with different state laws. For example, if one state has strict labelling requirements while others do not, companies may prioritise compliance with the more lenient states, potentially compromising the quality and safety of their products in the stricter state.

This inconsistency can also confuse pet owners, who might not be aware of the differing standards. As a result, consumers could unknowingly purchase products that do not meet the rigorous safety and labelling requirements of their home state. Furthermore, without a unified national standard, enforcement becomes fragmented. Regulatory bodies in different states may have varying levels of resources and priorities, leading to inconsistent inspections and oversight. This lack of uniformity can allow subpar products to slip through the cracks, increasing the risk of harmful ingredients reaching pets.

Moreover, the disparity in regulations can create an uneven playing field for manufacturers. Companies adhering to strict regulations might face higher costs and challenges, while those in less-regulated environments could cut corners to boost profits. This not only undermines the integrity of the industry but can also erode customer trust, as pet owners may struggle to know which brands are truly committed to their pets' health. Ultimately, without comprehensive and cohesive regulation across all states, the effectiveness of pet food labelling and marketing efforts can be significantly compromised, jeopardising the health and safety of our pets.

However, in stating these concerns I do want to acknowledge the honourable member in bringing forth this piece of legislation. Despite the limitations and challenges, such regulation remains an important and beneficial initiative. It serves as a crucial safeguard for pet health and safety, ensuring that at least some standards are upheld in an industry that directly impacts the wellbeing of millions of animals.

Even in the face of enforcement difficulties, a regulated environment can promote higher quality products, enhance consumer awareness and encourage accountability among manufacturers. Moreover, it lays the groundwork for potential future harmonisation of regulations across states, fostering a more consistent approach to pet food safety. Ultimately, the push for regulation is a positive step towards protecting our pets and ensuring they receive the nutrition that they need to thrive.

The Hon. S.L. GAME (22:05): I rise briefly to support the Hon. Frank Pangallo's Pet Food (Marketing and Labelling) Bill, as well as his amendment to the bill, and echo the sentiments of my

colleague the Hon. Nicola Centofanti. In Australia, the pet food industry is self regulated, and complying with industry standards is optional for suppliers of pet food. While there are set industry standards in place, the problem is that there is no mandatory obligation that pet food companies are to comply with these standards.

Pet food suppliers are not subject to any consequences if they choose to violate established industry standards. When there are pet food retailers who are falsely labelling and marketing their products, the biggest concern is that Australians are being misled when it comes to making decisions about what pet food products they purchase and feed their pets. Misinformed decisions about pet food products cause pets to be susceptible to having their health and safety placed in jeopardy.

The Hon. Frank Pangallo's bill aims to ensure that all pet food retailers comply with the Australian standards for manufacturing and marketing pet food, providing full transparency about exactly what substances are present in their products so that pet owners can be educated and make informed decisions about what they feed their pets. The bill also seeks to introduce penalties for not complying with and for breaching the Australian standards for manufacturing and marketing pet food.

Due to copyrights of the Australian standards for manufacturing and marketing pet food, another problem is that there is a financial cost for pet food suppliers having access to it. Why would pet food suppliers comply with set industry standards at their own expense if there are not any penalties for breaching them? How can we hold pet food suppliers accountable in complying with set industry standards if they must pay for it just to be informed?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (22:06): In Australia, there are no mandatory standards for pet food. However, pet meat is regulated. For context for this bill, I think it is an important distinction to make. In South Australia, the pet meat regulations are regulated by the Department of Primary Industries and Regions as the accreditation body. Pet meat producers must hold accreditation and comply with the pet meat standard. Accredited pet meat producers are routinely audited to verify compliance with the standard.

As has been alluded to, there was a Senate inquiry in, I believe, 2018 looking at regulatory approaches to ensure safety of pet food, as opposed to simply pet meat, and in 2018 it released its recommendations. The commonwealth responded to seven recommendations, which resulted in the establishment of a working group to determine options for national pet food manufacturing.

I am advised that a pet food working group has presented options to the Agriculture Senior Officials Committee and that the group was tasked with preparing a cost-benefit analysis of various policy options. I am advised that the options are due to be reported back to all agriculture ministers later this year for further consideration. I think that is well and truly overdue. The year 2018 is a long time ago. It is a long time from having had some recommendations made by a Senate committee to not yet getting national agreements or even a list of proposed national agreements.

To that end in particular, I would like to thank the Hon. Mr Pangallo for putting forward this bill. The South Australian government certainly supports in principle what the bill seeks to achieve. It is certainly our preference that such changes would be nationally consistent, and so it is important that we do continue to both be aware of the movements, albeit slow, towards a national approach and feed that information back in, as much as we are able to, in terms of anything that may come out of this bill.

The state government will reserve its right to make potential further improvements to the bill at a later date, which may be informed by the agriculture ministers' national discussions and also, potentially, by input from PIRSA, as I note that PIRSA that has not been consulted in terms of the bill. It is proposed in the bill that it should commence two months after assent, and I note the amendment that the Hon. Mr Pangallo has moved to change that to 12 months, which I think is certainly a more achievable timeframe. I still do not know if it will be easy to achieve but it is certainly a more achievable timeframe than two months, both in terms of what resources might be required by government but also for any changes that the pet food manufacturing industry may need to make potentially in regard to labelling of their products.

I think it is worth noting the intent of the bill. A national approach would be able to go further because it would actually impact manufacturing, not simply the marketing and labelling. But it is fair to say that South Australians love their pets and would expect the safe supply and sale of pet food. The Pet Food (Marketing and Labelling) Bill is one part of that and I look forward to, if this bill passes, being able to work further on the intent of the bill, in addition to hopefully seeing swifter movement in terms of national steps to also address the issues that this is attempting to fix. With that, I indicate that the government will not be opposing the bill, but we do reserve our right to make further amendments between the houses.

The Hon. F. PANGALLO (22:10): Thank you to all the members who have contributed to the bill this evening, including the Hon. Sarah Game and the Hon. Clare Scriven. All the speakers tonight have a strong track record in advocating for animal welfare. The Hon. Sarah Game and the Hon. Nicola Centofanti are veterinarians, and I appreciate their support for this legislation. I would also like to thank the Hon. Clare Scriven, the Minister for Primary Industries, who sees the positive benefits and outcomes that will come from this legislation should it pass both houses.

The minister told me today that she will have this legislation and its intention on the agenda of a coming meeting with her fellow state ministers, and I also welcome her involvement in progressing this legislation further, not just at state level but beyond the state borders. As I have pointed out, the reason this legislation is needed is because there are no mandatory standards for pet foods. It is completely self-regulated with voluntary standards that pet food companies do not have to comply with.

We know, and have seen, where self-regulation can and is abused; no more so than in the multibillion dollar pet food business. Consumers have a right to know what exactly is in the food they buy whether it is dry or raw minced meat products. Preservatives like sulphur dioxide are used to minimise bacterial growth and prevent oxidation of red meats, where, as we have seen, when we are buying meat at the butcher or mince, it could change to a brown colour without the use of that preservative. That was banned for use in meat for human consumption because of the serious health concerns.

Animals are no different. High levels of sulphur dioxide have been detected by researchers in pet food made here in South Australia and labelled preservative free. Dr Richard Malik, one of the world's most respected and well-known feline veterinarians and researchers from the Centre for Veterinary Education in Sydney, says the presence of high levels of sulphur dioxide will lead to the destruction of all the vitamin B1 (thiamine) present in pet food. B1 is an essential vitamin for dogs and cats.

Dr Malik says if this food was fed exclusively, dogs or cats would develop a thiamine deficiency which leads to bleeding into the midbrain and damage to the cerebral cortex. Dogs and cats affected by thiamine deficiency die if they do not immediately receive thiamine supplements and extensive supportive care.

Disclosing the presence of preservatives on the label gives the consumer the information they need to feed such food safely, by not feeding them as an exclusive diet.

He goes on to say it is dangerous to the health of the animal to mislead the consumer by claiming food is preservative free when it contains high levels of sulphur dioxide, which is generated from the addition of sodium metabisulphite. If disclosed, consumers might avoid such foods completely and instead purchase human-grade meat mince or meat by-products suitable for human consumption. We know that many animals have died or suffered health complications from pet foods. This legislation can stop that. I commend the bill to the chamber.

Bill read a second time.

Committee Stage

In committee.

Clause 1 passed.

Clause 2.

The Hon. F. PANGALLO: I move:

Amendment No 1 [Pangallo–1]—

Page 2, line 6—Delete '2 months' and substitute '12 months'

This amendment deletes the two-month period if and when the legislation is assented to, as has been pointed out by the Hon. Clare Scriven. I totally agree that two months is not a long enough lead time for labels to be amended, particularly by manufacturers, so the intent of this legislation is to extend that period to 12 months.

The Hon. N.J. CENTOFANTI: I indicate that the opposition will be supporting the honourable member's amendment.

Amendment agreed to; clause as amended passed.

Remaining clauses (3 to 12) and title passed.

Bill reported with amendment.

Third Reading

The Hon. F. PANGALLO (22:18): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Motions

CHILD SEXUAL ASSAULT

Adjourned debate on motion of Hon. L.A. Henderson:

That this council—

1. Acknowledges that 20.8 per cent of criminal cases listed in the South Australian District Court from Monday 6 May 2024 to Tuesday 11 June 2024 were child sexual assault and child exploitation-related matters;

2. Condemns the prevalence of child sexual assaults in South Australia;

3. Acknowledges that reported child sexual assaults are only a fraction of assaults that have occurred;

4. Acknowledges the recent calls for action to eliminate family, domestic and sexual violence; and

5. Calls for the Royal Commission into Domestic, Family and Sexual Violence to address the concerning prevalence of child sexual assaults within South Australia.

(Continued from 19 June 2024.)

The Hon. S.L. GAME (22:18): I rise briefly to support the motion by the honourable member and to express my concern at the shocking statistics quoted. I also endorse the member's call for the South Australian Royal Commission into Domestic, Family and Sexual Violence to address the prevalence of child sexual assaults within South Australia. I also add that I believe it is imperative that all corners of our community be explored in this investigation, especially those areas, communities and demographics where family, domestic and sexual violence is most prevalent.

In endorsing this motion, I call on those in authority, including and especially the royal commissioner herself, to regard all offenders and offending as equal and subject to the same measures that, when enacting, will help reduce the prevalence of child sexual assaults within South Australia.

The Hon. C. BONAROS (22:19): I thank the honourable member for bringing this motion to the Legislative Council and agree wholeheartedly with the condemnation of all forms of child sex abuse. This is an issue, obviously, that I and many others in this place have advocated against and will continue to do until certainly, in my case, my last day here, whenever that may be. The safety and protection of children must always be at the forefront of our minds and actions, and as a parliament we need to note that we took a significant step in 2020 by reducing the early guilty plea discount of up to 25 per cent for serious crimes, including child sexual assault.

This pared back the incentive for defendants to seek lighter sentences through early pleas, particularly for heinous crimes against children. Simplistically, some would even say there should be no discount for pleading guilty to these types of offences, but we know the reality is much more complex in child sex offences; especially when very young children are involved there are significant challenges. The stigma alone attached to pleading guilty to such offences, combined with a high evidentiary standard of beyond reasonable doubt, often leads to defendants effectively hedging their bets and taking their chances at trial. This is especially true when vulnerable child victims are required to give evidence—a process that we know all too well is traumatic and complicated. It is the very reason, as reflected in the motion, only a fraction of assaults are reported and result in criminal charges in the first instance.

It is important to note that comparing child sex offences with other crimes, such as robbery or drug offences, is not comparing like with like. The dynamics of these offences and the burden on victims, particularly children, are vastly different. Viewing the issue through a simplistic lens, such as referring only to the daily cause list, leads to blanket assumptions that do not account for the complexities of these cases. I would hasten to say that I would be more focused on better insuring improved outcomes and experiences for victims rather than the number of offenders on the cause list in any given week or month.

I think all of us acknowledge that the rates of child sex offending—in fact, I know that all of us acknowledge—are alarmingly high, and we have to remain vigilant in addressing this crisis, but it is an alarming reality. Sadly, no matter how harsh our laws and no matter what we do in this place, the reality is that sexual offending will always exist, and we need to do our level best to ensure that where we pass laws they are commensurate with the offending in question and that it is the appropriate legislative response.

In that context I also indicate my support for the government's amendment to the motion, which acknowledges the royal commission currently examining these issues. The inquiry is a crucial step towards understanding and improving how we handle child sex abuse cases, and I think we can all agree this is a positive development.

Just today the Australian Institute of Criminology released its report into the review of child sex abuse and sexual assault legislation. That report was commissioned by the federal Attorney-General's Department and takes a deep dive into all of the issues surrounding consistencies and inconsistencies in legislation across the nation and federally when it comes to this area, but also the sort of conduct and complex issues we are talking about. The report has looked at issues of conduct, at aggravating and specific circumstances, including victim age, relationships of care, violence, coercion, criminal organisation involvement, defences and excuses, relationships between the defendant and the victim, occupational duties, coercion, and knowledge of victim cognitive or mental impairments, amongst many others.

It looks at sexual violence, and it also considers the complexities that exist in the real world and the very real complexities that exist in this space as part of that body of work that is being done to strengthen the criminal justice response to sexual assault. I think it is worth noting, as is reflected in that report—and it is a lengthy report, and I encourage members to read it. I have certainly cast my eye over it this morning, and it is confronting.

But I think it is worth noting that SA is on the front foot when it comes to many of these issues, particularly when it comes to child exploitation, when it comes to changes in our terminology and language, when it comes to offences like stealthing and other offences around sexual offending against children and, of course, when it comes to improved justice outcomes for victims. These are all really important things that we cannot dismiss given the complexities involved in this area.

Like I said, no-one wants to see this many matters on the cause list, but we have to also be very mindful of the realities that we are confronted with in these sorts of cases. Simply looking at the cause list in and of itself does not mean that our laws are not harsh enough, that legislation does not go far enough or that we are not doing our level best to address this. It simply means that, as always and unfortunately, defendants will use that system and, as I said, hedge their bets to try to get the best outcome, knowing full well that there is a victim who is going to be put through the wringer again once one of these matters proceeds to trial.

That is the unfortunate part of our criminal justice system that absolutely warrants further attention from us. I think that is the point that is made in this report and in the body of work that is being done nationally in terms of improved justice systems for minors and adults alike who are the victims of sexual assaults. Just specifically in relation to South Australia, I will note that the report says that in response to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse's final report:

> …the South Australian Government proposed several reforms to strengthen child sexual abuse laws. These reforms were detailed in the Statutes Amendment (Child Sexual Abuse) Bill 2020…and included amending the Criminal Law Consolidation Act 1935…to strengthen child sexual abuse offences, ensure stricter controls around reporting suspected abuse and strengthen the criminal justice process to better protect victims and survivors (eg changing how victims can give evidence and ensuring that sentencing standards were in line with contemporary understandings of child sexual abuse). Following drafting of this Bill, the South Australian Attorney-General's Department undertook consultation with the community. [The act] subsequently came into operation in June 2022. Reforms it introduced included new criminal offences under s 64A (Failure to report suspected child sexual abuse) and s 65 (Failure to protect child from sexual abuse) of the Criminal Law Consolidation Act...

They are the sorts of changes I refer to when I speak of improved access to justice for victims and commensurate levels of penalties for perpetrators. The report notes:

> Repeated sexual abuse or persistent child sexual abuse is criminalised in South Australia under s 50…of the Criminal Law Consolidation Act…Recent academic inquiry into the operation of the law in South Australia and Queensland using relational terminology to characterise abuse of a child by an adult over a period of time has argued that the concept of 'persistent sexual abuse' is more appropriate and has recommended legislative reform to reflect this...Following the Criminal Law Consolidation (Child Sexual Abuse) Amendment Act 2023…being passed, s 50 of the Criminal Law Consolidation Act…is now titled Sexual abuse of a child.

They are the sorts of improvements we have made to our law. I know that all of us are committed to making further improvements. I think it is a credit to South Australia that these have been acknowledged at the federal level in this report and speaks to the level of commitment that politicians of this parliament from all persuasions have had in terms of combating this issue.

I do not think it is fair to say that perpetrators have an easy ride in South Australia. That said, I do think the cause list is high, but I think that we need to acknowledge the complexities of that, as I said at the outset, given the issue that we are dealing with and given the lengths that a defendant will go to in order to try to avoid the ramifications of a guilty plea.

All in all, of course, all of us want the same thing here, and that is to keep our kids safe from child sexual abuse and to ensure that those who are offending are where they ought to be—and, frankly, that is not roaming around free and presenting risk to other children. We need to be doing our level best, going forward, to ensure that we are in line with the sorts of recommendations that have been recommended by this report today to address any inconsistencies where they do exist, but acknowledge also South Australia's role in terms of leading that charge in many respects, and also, of course, to await the outcomes of the royal commission which will be charged with looking at this issue specifically as well. With those words, I commend the motion and indicate my support for the government amendments that will be moved in due course.

The Hon. E.S. BOURKE (22:31): I move to amend the motion as follows:

Paragraph 5:

Leave out 'Calls for' and insert the words 'Awaits the findings of'; and

Leave out 'to address' and insert the words 'regarding'.

I rise today and indicate that we are moving amendments to this motion, which I believe the opposition are supporting. The Malinauskas Labor government utterly condemns all forms of child abuse and child sexual assault. It has been a key policy priority of the government to ensure we have some of the toughest laws in the nation in this area, as members would know, having passed many bills on this matter in the term of this parliament. This has included lifting penalties for a range of child sex offences, as one of our very first bills after coming to government; passing laws to indefinitely detain serious repeat child sex offenders, the toughest of their kind anywhere in the nation; and passing laws to ensure that registered child sex offenders and those accused of registrable child sex offences must not work in businesses that employ children if their employment would involve contact with child employees.

The motion draws on the number of listings of child sex offence matters in the District Court as a measure of the level of child sex offending in this state. It is this government's view that this does not provide a complete picture of this issue and is not an accurate indicator of the crime's prevalence in our state. This is for two reasons: the number of hearings that occur in a given criminal matter, and the priority these matters are given in the hearing lists. Priority in the hearing lists is determined by factors such as a case's complexity, the personal circumstances of the parties, the availability of counsel and, above all in child sexual offences, by laws that were put in place by the Rann Labor government in 2008 to ensure that the courts give priority to child sexual offences and allow them to be dealt with as quickly as the justice system allows.

As a result of those laws, our criminal courts rightly give priority to child sexual offences ahead of other criminal matters to ensure child victims are not made to go through a long court process. Section 50B of the District Court Act provides that when the victim of a sexual offence is a child or a person with a disability that adversely affects the person's capacity to give a coherent account of the person's experiences or to respond rationally to questions, it is classified as a priority proceeding. There are similar sections in the Magistrates Court Act and the Supreme Court Act.

This classification greatly reduces the standard length of time that these matters spend awaiting trial in the District Court and indicates that our parliament recognises that sexual offences committed against the most vulnerable members of our society—our children—will be treated seriously and with priority. Victims of child sexual offences are, therefore, treated with priority by the court listings and may appear more on a particular day's case list than other less prioritised offending.

In simple terms this means that in a trial of a person charged with a sexual offence, in which a child is a victim, it will be listed significantly quicker than other criminal offences. However, it must also be recognised that child sexual offences, especially those committed against multiple victims across multiple years, can increase the complexity of a matter and therefore the required hearing and trial preparation time.

Further, under section 12AB of the Evidence Act 1929, child victims or witnesses are able to take part in pre-trial special hearings, with special arrangements to give their evidence, which also increases the total number of hearings a child sex offence may have compared to other criminal matters.

I do not bring these matters to the council's attention to suggest that the prevalence of child sex offences within South Australia is not concerning. Child sex offences are so despicable that no rate in the community could be considered acceptable. However, there is far more nuance to tracking its prevalence in our community than by simply counting the percentage of criminal cases listed in the courts.

I would now like to briefly address my amendments. The government otherwise supports the motion, but is concerned that the final paragraph seeks to direct a royal commission in how it undertakes its work. The Royal Commission into Domestic, Family and Sexual Violence is currently underway, led by Commissioner Natasha Stott Despoja AO. The royal commission is undertaking its inquiry in accordance with its terms of reference and as directed by the commissioner. The government does not consider it is appropriate for a house of parliament to seek to direct or add to the terms of reference of a royal commission.

However, in keeping with the spirit of the motion, my amendment simply adjusts the final paragraph of the motion to await the findings of the royal commission. Should the royal commission receive evidence on this matter and determine to make findings or recommendations, I am sure the council will eagerly consider them. Ultimately, it is a matter for the commissioner as to whether it does though. With those words, I indicate the government supports the motion with our amendments and thank the member for bringing it to the chamber.

The Hon. L.A. HENDERSON (22:36): I would like to thank honourable members for their contributions, but in particular I would like to thank the Hon. Sarah Game, the Hon. Connie Bonaros and the Hon. Emily Bourke for their contributions on this motion and acknowledge their advocacy in the child protection space more broadly as well.

Earlier this week we saw *The Advertiser* report the shocking sex case statistics. In this article it was revealed that on Monday 48.27 per cent of District Court cases fell within the category of child sexual abuse cases. Between 4 September 2024 to 16 October 2024, roughly around 22.5 per cent of all cases listed in the District Court were child sexual assault-related cases. From 4 May to 11 June 2024 that figure was around 20.8 per cent.

This is being described by some as an epidemic and that the courts are drowning in these matters. Of course, we know that the matters that ultimately end up before the courts are but a small fraction of offences that do, in fact, occur. The reality is that there would be many more people in the community who are impacted by such offences.

The prevalence of child sexual abuse is abhorrent and unacceptable. It is a conversation that we must continue to have and we must continue to have this conversation until it is no longer an issue in our community. We have an opportunity through the establishment of the Royal Commission into Domestic, Family and Sexual Violence to address the concerning prevalence of child sexual assaults within South Australia, especially within the context of the family home.

I note there is an amendment in the name of the Hon. Emily Bourke. The opposition will be supporting this amendment today. I did first learn of this amendment through a group email that was sent to members and staff around 11.37am today. That was less than three hours before the Legislative Council was due to sit. Considering that the government is consistently reminding the crossbench and the opposition that they must receive all amendments or motions or bills prior to their caucus meetings on Tuesdays, I think it would be appropriate if the government met their own standards. It is safe to say that receiving a copy of this amendment mere hours before it was taken to a vote would not meet Labor's standards and is more of a 'do as I say, not as I do' moment. Nonetheless, we will be supporting this amendment today. With that, I put the motion.

Amendment carried; motion as amended carried.

Parliamentary Committees

SELECT COMMITTEE ON THE GIG ECONOMY

Adjourned debate on motion of Hon. R.A. Simms:

That the report of the select committee be noted.

(Continued from 19 June 2024.)

The Hon. M. EL DANNAWI (22:39): I rise briefly to speak in support of the motion. Firstly, I would like to thank my predecessor, the Hon. Irene Pnevmatikos, for her role as the Chair of this committee prior to her resignation. I would also like to note her lifelong commitment to working people, which saw her move for this committee to be established. Irene understood, as all who advocate for safe and humane working conditions do, that the rights people have fought for must be defended actively. As such, it is important to stay in touch with the experiences and perspectives of the modern worker in the modern workforce.

The gig economy is undeniably a part of that modern workforce. As Irene said, and is quoted in the Chairperson foreword of this report:

> The flexibility of the gig economy is often promoted as modernising and positive to both workers and businesses. In reality, the gig economy works by undercutting the traditional model of employment upon which many of our rules for worker protection are based.

Further:

> To let the issues of this unregulated labour market go unaddressed would be to abandon an increasing number of the workforce to the possibility of mistreatment and exploitation.

As I am sure everyone is aware, the federal government passed legislation at the beginning of this year to lay the groundwork for minimum standards for the gig economy. This is an important step and a good start, but there is more work still to be done to ensure that these workers receive the rights that they are entitled to. Some of the steps that can be taken are contained within the report of the select committee, and I would encourage all honourable members to read it.

The gig economy is still expanding, and I seriously doubt this will be the last time that we discuss it here in this place. The recommendations contained in the report aim to safeguard the health and safety of gig workers and ensure that they are protected from the risk of intentional and unintentional exploitation. In closing, I would like to thank the individuals, organisations and unions that submitted evidence to the committee. I would also like to thank the Hon. Rob Simms, who took up the role of Chairperson of the committee seamlessly. I commend the motion to the council.

The Hon. R.A. SIMMS (22:42): I also want to thank all the members for their contribution to this committee. I again want to acknowledge, as I did when I made my broader remarks on the report, the leadership of the Hon. Irene Pnevmatikos, who established this committee. I think there are some worthwhile recommendations that I look forward to being able to progress and work with the government on.

Indeed, one of those I have already taken up with a motion, which will be coming to a vote in due course, which looks at the role of the Productivity Commission. In particular, it identifies some areas for reform. I thank members for their contribution, in particular those members who were part of the committee.

Motion carried.

Motions

HOSPITALITY BUSINESS CLOSURES

The Hon. J.S. LEE (Deputy Leader of the Opposition) (22:43): I move:

That this council—

1. Recognises the important economic and social contributions of South Australia's small and family businesses within the hospitality industry;

2. Notes the increasing and alarming number of hospitality venue closures in the past 12 months, with approximately 20 reported to have closed their doors between 1 January and 30 April 2024 this year, with the list including some well known and long-established local restaurants;

3. Notes that the hospitality business closures have hit every corner of the dining scene, within metropolitan areas of Adelaide as well as in regional South Australia;

4. Notes that the hospitality sector is buckling under the heavy strain of inflation, low profit margins, rising interest rates and staggering skills shortages;

5. Notes that hospitality business closures are associated with the skyrocketing costs of doing business in South Australia, in particular soaring power prices, payroll tax, red tape and the growing costs of goods and services, along with reduced consumer spending due to rising costs of living; and

6. Calls on the Malinauskas Labor government to provide better support to address key concerns in the hospitality sector to prevent further job losses and more business closures in South Australia.

I rise to speak on the motion regarding the alarming number of hospitality venue closures in South Australia. The hospitality industry plays an important role within our economy, as hospitality venues not only serve as a way for us to gather with family, friends and the community but also are a key source of employment.

The accommodation and food services industry in South Australia employs around 60,000 people, according to Skills SA. Within this industry, 60 per cent are part-timers, 54 per cent are female and the median age is 25. Hospitality is important because it employs young people and people who are still studying or training and is a gender-diverse industry. According to the Australian Bureau of Statistics, accommodation and food services represented 16.9 per cent of the gross state product in 2022-23, behind only the mining industry. Yet, despite its importance and the impact of the industry, more and more hospitality venues have continued to close down because of the skyrocketing cost of operating business in South Australia and all the challenges faced by the industry.

According to the Australian Securities and Investments Commission (ASIC), in the past 24 months from July 2023, 116 hospitality businesses have become insolvent, entering into some form of external administration for the first time, with 95 of those occurring just within 2024.

Businesses within the CBD accounted for 33 per cent of insolvency cases in 2024. Unfortunately, a stack of Adelaide venues closed last year. Among them were 1000 Island, Fire x Soi 38, Chicken & Pig, Extra Chicken Salt, Crack Kitchen, Cocina Comida, Cheekies, Gang Gang, Hey Bianca, Hot Chicken, Kopi Tim, My Lover Cindi, Paddy Barry's and Zenhouse.

There has been a trio of closures at Plant 3 Bowden with Caroclub, Little Banksia Tree and Shirni Parwana closing their doors. Three of the Hills' most beloved venues, Brid Coffee Shop, Lost in a Forest and the Summertown Aristologist, shuttered over the holiday period. Big Shed Brewing has now gone into voluntary administration, Italian institution Enzo's revealed it would close its doors after 25 years and the Ed Castle fell into liquidation two months after reopening under new owners.

In each and every one of these cases, the same underlying factors contributed to the closures of these businesses. Many owners reported suffering from the uncertain economic climate. This aligns with the ABS report Characteristics of Australian Business, which placed 'uncertainty about economic conditions' as the largest factor hampering general business activities or performances. The same factor was also the largest factor reported as a barrier to accessing finance.

Other major factors in the report include supply chain issues, lack of skilled persons within the labour market, lower profit margins to remain competitive and the cost of inputs. Skill shortages have particularly impacted the accommodation and food services industry, experienced by 56 per cent of all businesses in the industry, the most out of any industry measured by the ABS. Government regulations and compliance and lack of customer demand for goods or services were also among the highest reported factors hampering general business activities or performances.

These combined factors highlight the compounding negative spiral caused by the current cost-of-living crisis. Businesses are met with increasing prices of rent, energy and supplies, which force them to increase the prices of their goods and services, but customers who are hampered by inflation have less disposable income to use, so businesses are forced to increase prices or find other ways to cut costs. Unfortunately, this becomes unsustainable and has led to many businesses shutting down as a result.

Burger and brunch cafe Gang Gang on Unley Road made the decision to close down as the owners reported that they were 'feeling the pinch'. Those very same words were used by the owners of the Karma and Crow coffee spot. The owners of nightclub My Lover Cindi shut their doors due to exorbitant costs. Acclaimed Italian restaurant Martini on the Parade shut down after almost two decades because of the uncertain economic climate.

These words were scarily similar to the reason given by the owners of beloved regional South Australian restaurant Terroir Auburn in the Clare Valley, who are shutting down after 12 years. They wrote that the extremely volatile and uncertain economic future of the country was a big factor in their decision. They also stated that the issues facing the hospitality industry are yet to be fully recognised by those decision-makers at the top, calling on political leaders to recognise the serious issues crippling the state's hospitality industry.

Similarly, the award-winning chain Cheffy Chelby's at Morphett Vale and Hallett Cove has closed its doors just over a year after the flagship Port Noarlunga venue also closed. Owner operator, Michelle Lowe, said:

> Wages went up massively last year, our rent's gone up, insurance has gone up, the cost of goods has gone up…as a whole, our customers are just not coming and spending as much money and that's totally understandable with the cost of living going up.
>
> I have fought and fought and fought and I don't have the energy anymore. I'm devastated that I've put so much work into this but you can't control everything. It is what it is.

The same sentiments were echoed by owner and chef of Rusco & Brusco on Magill Road:

> I'm losing money every week at the moment. If things continue like this…I will unfortunately have to shut it down. Things are that bad.
>
> I am opening and closing the place. I'm doing dishes…I'm doing everything I can to stay open. I've never been front of house, but now I'm doing everything. I'm pushing myself to the limit, but it's do or die at the moment.

Simone Douglas, owner of the Duke of Brunswick Hotel in the city, was forced to close the cafe operating next to the hotel in May this year. She highlighted that small cafes are only sustainable

when the business owners themselves are clocking a 50 to 60-hour working week within the business. She said:

> Many of those smaller cafes are running on an 8 to 10 per cent bottom line profit margin which really leaves no space for equipment breakdown or replacements…things along those lines.

Focusing on the cost of doing business, Simone stated:

> If you look at power bills…we've gone upwards of 30 to 35 per cent and we're all being told to strap yourselves in because they're about to go up again and that doesn't sound like a lot but when that power bill for three months is $10,000, it's a significant number of coffees to cover that cost.

In Mount Gambier, owner of Gym Challenge Meals, Alex Marlow, had to shut his business down due to unsustainable trading conditions. Alex also highlighted the need for government interventions, stating:

> Our closure underscores the need for substantial government support at both federal and state level to sustain the hospitality industry.

These are just a handful of many examples from just this year. It is evident from the statistics and from the stories told by members of the hospitality industry that businesses and people are doing it really tough.

The issues have been laid out in front of this Labor government for a long time now: tackle inflationary pressures, reduce the cost of energy and rent, eliminate unnecessary payroll tax and allow small and medium-sized businesses to operate the way that they see fit so that they can employ the people that need to work the most. Instead, the recent state budget has seen a pitiful lack of support for small businesses, with next to no new measures to address the current cost of doing business. Energy bill rebates have been cut, and calls for payroll tax reform have been ignored, despite record tax revenue off the back of South Australia having the highest inflation rate in the country.

Lifting the payroll tax threshold is a sensible measure to help South Australian businesses keep up with wage increases and keep workers in jobs at a time when many small and family businesses have found themselves either reducing staff to avoid paying payroll tax or they have started to pay it for the first time.

In the latest South Australian Business Chamber Survey of Business Expectations for the June 2024 quarter, payroll tax was repeatedly highlighted as a significant constraint on employment and productivity. The survey states:

> Payroll tax issues are no longer the domain of big business. Among businesses employing 20 or more people, which accounts for 35.5% of the survey, payroll tax is by far their priority, selected by 64% of respondents. However, businesses with fewer than 20 employees are now feeling the burden, with 42.7% calling for change.

For hospitality businesses, payroll tax is crippling, punishing those who are trying to expand their offerings in a wage-heavy industry that is disproportionately affected by a payroll tax.

I would like to take a moment to provide honourable members with direct quotes from respondents to the SA Business Chamber survey. Their words speak volumes about the drastic impact this tax has on businesses across our state:

> Payroll Tax reform would be a game changer for our business. It impacts our ability as owners to earn an income, also our desire to further invest in the industry.

Another quote:

> Wages and super have increased but the Payroll Tax threshold has stayed the same. How is that fair?

Another said:

> Because the government always expects businesses to pick up the bill—payroll tax, higher wages. Especially when people are already spending less. Commercial rents have gone up, materials and costs of business are ridiculous! They make employing staff too expensive and complicated.

Businesses in the hospitality industry have been crying out for support for a long time, but this Labor government has continued to ignore their pleas and has failed to listen to their concerns. The huge

increase in hospitality business closures is not a unique event but is the culmination of continual failure by this government.

I call on the Malinauskas Labor government to provide better support and more tangible measures, such as payroll tax reforms, to address the key concerns in the hospitality sector to prevent further job losses and more business closures in South Australia. With those remarks, I commend the motion.

Debate adjourned on motion of Hon. I.K. Hunter.

WORLD AIDS DAY

Orders of the Day, Private Business, No. 74: Hon. R.A. Simms to move:

That this council—

1. Recognises that 1 December is World AIDS Day.
2. Notes that the Australian theme for 2023 is Inclusion. Respect. Equity.
3. Notes that 29,460 people are estimated to be living with HIV in Australia.
4. Acknowledges that new infections have been declining over the last 10 years with people living with HIV now able to live a long, healthy life as a result of:
   (a) community-led initiatives through grassroots organisations;
   (b) peer education by including priority populations in responses;
   (c) harm reduction through needle and syringe programs;
   (d) prevention through regular testing, interventions such as PreP and increased condom use.
5. Calls on the Malinauskas government to continue its commitment to reducing the prevalence of AIDS in the community by:
   (a) empowering communities to combat stigma and discrimination;
   (b) allocating sufficient funding for high-quality HIV services; and
   (c) expanding high-quality services to at-risk communities.

The Hon. R.A. SIMMS (22:55): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

WORLD CAR-FREE DAY

Adjourned debate on motion of Hon. R.A. Simms:

That this council—

1. Recognises that 22 September is World Car-Free Day.
2. Notes that according to the Department for Environment and Water, transport accounts for 28 per cent of South Australia's greenhouse gas emissions, the highest for any sector in the state.
3. Notes with concern that public transport use has declined by 13 per cent since July 2019.
4. Acknowledges that reducing car use has many benefits including:
   (a) reduced greenhouse gas emissions;
   (b) improved air quality;
   (c) increased beneficial health and wellbeing outcomes; and
   (d) reduced traffic congestion.
5. Calls on the Malinauskas government to implement the recommendations from the report of the Select Committee on Public and Active Transport by:
   (a) increasing the frequency of bus services, simplifying concessions, and improving connectivity;

(b) trialling of passenger rail services from Mount Barker to Adelaide and incentivising passenger rail between Adelaide and Melbourne;

(c) trialling separated bike infrastructure and traffic calming measures, including speed limit restrictions;

(d) commencing planning for a statewide, integrated separated cycling network;

(e) development of a statewide strategic transport network plan;

(f) promotion of alternatives to car travel to reduce carbon emissions; and

(g) legislating to enable the use of privately owned e-scooters and other e-personal mobility devices in public spaces.

(Continued from 18 October 2023.)

The Hon. R.A. SIMMS (22:56): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

AUSTRALIAN EDUCATION UNION

Adjourned debate on motion of Hon. R.A. Simms:

That this council—

1. Notes that the Australian Education Union (AEU) (SA Branch) took industrial action on 1 September 2023 in response to the Malinauskas government's enterprise bargaining offer.

2. Acknowledges that 80 per cent of AEU members who voted in the ballot to take industrial action voted in favour of doing so.

3. Calls on the Malinauskas government to commit to supporting South Australian public education by making an offer that meets the AEU's requests for—

   (a) reducing face-to-face teaching by 20 per cent to eliminate excessive and unsustainable workloads;

   (b) an additional school services officer in every classroom to provide school students with necessary learning support; and

   (c) a salary rise of 20 per cent over three years to attract and retain public school educators.

(Continued from 13 September 2023.)

The Hon. R.A. SIMMS (22:56): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

PUBLIC SCHOOL TEACHERS

Adjourned debate on motion of Hon. R.A. Simms:

That this council—

1. Notes the release of the Teachers at Breaking Point report commissioned by the Australian Education Union (South Australian Branch) which found:

   (a) South Australian public school teachers work on average over 50 hours per week, including 30 hours of tasks beyond face-to-face teaching;

   (b) fewer than one in 10 teachers feel that their views are valued by policymakers in South Australia and only one in five teachers view departmental policy demands as reasonable; and

   (c) almost half of all respondents intend to leave teaching within five years, double the rate recorded in the 2018 Teaching and Learning International Survey.

2. Acknowledges that South Australian public school students deserve teachers who can fully exercise their commitment, knowledge of learning and learners in their context, understanding of complex relationships and needs, and love for teaching.

3. Calls on the Malinauskas government to commit to supporting South Australian public education by:

   (a) increasing time and support for teachers to manage increasingly complex student needs;

   (b) reducing administrative demands on teachers to make workloads healthy and sustainable;

   (c) addressing shortage of staff to reduce workload pressure;

   (d) increasing the voice of teachers and leaders in decision-making and co-construction of policy; and

   (e) increasing support for early career teachers to sustain the profession.

(Continued from 28 June 2023.)

The Hon. R.A. SIMMS (22:56): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

HUMAN RIGHTS LEGISLATION

Adjourned debate on motion of Hon. R.A. Simms:

That this council—

1. Notes with concern that in May 2023 a bill was introduced into the House of Assembly and passed the third reading stage within 22 minutes without:

   (a) public scrutiny of the bill;

   (b) consultation with relevant stakeholders; and

   (c) consideration for the impacts on human rights.

2. Recognises that a human rights charter can:

   (a) articulate a set of common values and principles that define and preserve our modern democracy;

   (b) address inequality and discrimination and lack of access to fundamental services;

   (c) clearly define the expectations we have of each other and our state institutions; and

   (d) improve the quality and effectiveness of government decision-making.

3. Acknowledges human rights legislation has been adopted in Queensland, Victoria and the ACT.

4. Urges the government to begin consultation on how human rights legislation could be implemented in South Australia.

(Continued from 31 May 2023.)

The Hon. R.A. SIMMS (22:57): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

END YOUTH SUICIDE WEEK

Adjourned debate on motion of Hon. R.A. Simms:

That this council—

1. Acknowledges that 13-17 February 2023 marked End Youth Suicide Week;

2. Notes that one in four young Australians experience a mental health issue each year;

3. Notes that suicide is the leading cause of death for young people aged 14 to 25 and that approximately nine young people die by suicide every day; and

4. Recognises the valuable work of the Youth Insearch Foundation to reduce the incidence of crime, violence, drug and alcohol abuse, self-harm, and suicide in young people.

(Continued from 8 March 2023.)

The Hon. R.A. SIMMS (22:57): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

SOUTH AUSTRALIAN YOUTH FORUM

Orders of the Day, Private Business, No. 156: Hon. R.A. Simms to move:

That this Council—

1. Recognises the contribution of the South Australian Youth Forum which was created in 2021 to provide a platform for young people aged 15-18 years to engage, discuss and debate issues that directly affect them.
2. Commends the Youth Forum on the publication of the 2022 South Australian Youth Forum Annual Report.
3. Notes the report contains positive actions to enhance the lives of young people in the areas of:
   - (a) climate change;
   - (b) gender equality;
   - (c) indigenous education;
   - (d) mental health;
   - (e) environmental education;
   - (f) consent education;
   - (g) relationship dynamics between teachers and students;
   - (h) sexual violence; and
   - (i) civics education.

The Hon. R.A. SIMMS (22:58): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

Bills

HIGHWAYS (WORKS FOR RESIDENTIAL DEVELOPMENTS) AMENDMENT BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

At 22:59 the council adjourned until Thursday 16 October 2024 at 14:15.